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THE

LAWS OF WISCONSIN,

PASSED AT THE BIENNIAL SESSION OF THE LEGISLATURE OF 1891,

RELATING TO

CITY CHARTERS AND THEIR AMENDMENTS.

VOLUME II.

PUBLISHED BY AUTHORITY.

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LAWS OF WISCONSIN, 1891.

No. 6, S.] [Published January 30, 1891.

CHAPTER 1.

AN ACT to amend chapter 54, of the laws of 1885, entitled, "An act to incorporate the city of Viroqua."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby enacted a new section to be known as subdivision 35th, of section 32a, of chapter 54 of the laws of 1885, which shall read as follows: The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. Common council to define fire limits.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 29, 1891.

No. 48, A.] [Published March 3, 1891

CHAPTER 10.

AN ACT to amend chapter 73, of the laws of 1885, entitled "an act to incorporate the city of Augusta."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of sidewalks.

SECTION 1. Section 12, of chapter 6, of chapter 73, of the laws of 1885, is hereby amended by adding at the end of said section the following, to-wit: All said sidewalks shall be constructed, reconstructed or repaired, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered.

Notice to build, how served.

SECTION 2. When the common council shall so determine to build such sidewalk, they shall cause a notice to be served upon the owner or occupant of land in front of which the sidewalk is to be constructed, or if there is no such occupant, notice may be posted on the unoccupied lot, which said notice shall be so served or posted at least ten days before the expiration of the time limited for the owners or occupants of lots to construct said sidewalk, said notice shall be substantially in the following form: City of Augusta, ss. To the owner or occupant of the following described premises: You are hereby notified and required to build a sidewalk in front of your premises (or the premises occupied by you) on the....side of .....street in said city, to-wit:..... (description of premises)....., which walk must be.....feet in width, built of..... (material).... If you do not complete said sidewalk by the.....day of...., A. D. 18.., the same will be constructed by the city, and the cost thereof charged to said lot, and collected as other taxes are collected, chargeable to you on the said lot or parcel of land. Dated this.....day of...., A. D. 18....., City Clerk. If said sidewalk is

Form of notice.

not completed pursuant to said order and notice, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. When said sidewalk is completed, if constructed and paid for by said city, the street commissioner shall immediately file with the city clerk his certificate, showing the total expense actually incurred by said city in so constructing that part of such sidewalk in front of each lot or part of lot, or land opposite which it appears, by his report, the owner or owners thereof had failed as aforsaid to construct such sidewalk as required by said order.

Cost of construction by city to be raised by special tax against lot.

SECTION 3. The common council shall, as soon as may be, after such statement shall have been so filed at a regular or special meeting, by resolution, levy and assess upon each lot or part of lot or lands opposite which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same, as appears by said statement; and said resolution shall describe each lot or part of lots or lands, and state the names of the owners thereof when known, and give the amount of such tax so levied and assessed upon each such lot or part of lots or lands; and on or before the first day of December of each year, the city clerk of said city shall, unless sooner paid, insert in a separate column of the tax roll of said city, next thereafter to be delivered to the city treasurer for collection, opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto, and said special taxes shall be collected or returned delinquent in the same manner as town and county taxes are collected or returned delinquent by law; and the lots or parts of lots, or lands, upon which such special tax shall be so levied may be sold and conveyed for the non-payment thereof, in the same manner, and with the same effect as if said special tax had been a general town or county tax.

Lots may be sold for tax.

SECTION 4. The common council shall have power to require the repair or reconstruction of any sidewalk, and the same proceedings shall be had, and the collection of the costs of such repairs

and reconstruction, shall be made in the same manner as in case of the original construction of sidewalks; provided, further, that in case the expense of repairing any sidewalk does not exceed the sum of five dollars ($5.00), the same may be forthwith repaired by the street commissioner, and by him certified to the city clerk, as hereinbefore provided in the construction of sidewalks, and if not sooner paid, the same shall be inserted in the next tax roll as a tax against the property, and all proceedings with reference to the same, including the collection thereof, shall be as hereinbefore provided in case of the original construction of sidewalks.

SECTION 5. All acts and parts of acts inconsistent or conflicting with the provisions of this act, so far as they relate to the construction, reconstruction and repair of sidewalks, and the collection of the cost thereof, including all proceedings thereunder, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1891.

No. 66, S.] [Published March 5, 1891.

CHAPTER 11.

AN ACT to amend the charter of the city of Plymouth, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 20, of chapter 193 of the laws of Wisconsin for 1877, is hereby amended so as to read as follows: Section 20. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city, and shall have exclusive jurisdiction in all cases in which the city

Jurisdiction of police justice.

shall be a party and shall have the same power and authority in cases of contempt as in a court of record; provided, that nothing therein contained shall be deemed to divest the judges of the circuit or county courts of the authority as conservators of the public peace, nor to affect in any manner the powers or jurisdiction of the circuit or county courts of the county of Sheboygan. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said justice for his said fees, except such as shall accrue in prosecutions for the violation of the charter or ordinances of the city, wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council. In case of absence, sickness or other disability of the police justice, the mayor by warrant, may authorize any justice of the peace within said city, to perform the duties of police justice, and it shall be thereupon the duty of the mayor to inform the marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall for the time being possess all the authority, powers and rights of the police justice; and appeals and writs of certiorari may be taken from the police justice in the same manner as from justices of the peace.

Compensation.

Temporary vacancy to be supplied by mayor.

SECTION 2. Sections 65 and 87 of said chapter 193, are hereby repealed.

SECTION 3. The common council shall have power to order the building, construction, reconstruction or repair of sidewalks in the city of Plymouth in such manner as it may deem proper; but such walks shall be made of plank or boards, laid upon lumber or timber of the proper size; provided, however, that when any member of the common council shall offer a resolution for the construction of any sidewalk in the city, the resolution shall be referred to the proper committee and lie over until the next regular meeting. Such resolution shall describe the street or part of street along which, and the block opposite which it is proposed to construct such sidewalk. The city clerk shall within five days after such resolution is introduced and referred, serve a copy of such

Sidewalks

resolution on each and all the residents or occupants of lots on the street or streets along which it is proposed to build such sidewalk.

Sidewalks, how ordered to be built.

SECTION 4. At its next regular meeting after such resolution shall have been so offered and referred, action shall be had by the common council thereon, and if such resolution be adopted by the common council, an order shall be entered among its records requiring a sidewalk to be constructed along such street, or part of street, or lands described in said resolution. The common council, in such order shall designate and determine the street or part of street along which such sidewalk shall be so constructed, and the time within which the owner or owners of the property along such street or streets shall build the same. If the owner or owners of any such lot or lots, or of such lands shall fail to so construct such sidewalks opposite the lot or lots, or lands so owned by him or them within the time limited in said order, the city shall construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots, or lands, opposite which the city shall have so constructed such sidewalk.

Failure of owner to construct; city to construct the same at owner's cost.

Notice of order, how served.

SECTION 5. Within three days after said order shall have been entered as aforesaid, the city marshal of said city shall serve a copy of such order upon the residents and occupants of the lots or lands opposite which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners or occupants in said city. In case any owner or owners of any such lot or lots, or of such lands, shall not reside thereon, or in the city of Plymouth, or his or their name or names shall be unknown to the city marshal, then such order shall be served on such non-resident or unknown owner or owners, by publishing the same in some newspaper published in said city, at least once and at least ten days before the expiration of the time limited in said order for the construction of such sidewalk. As soon as the city marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof; and in case the order shall have been published as here-

inbefore provided, he shall attach to his return, and file therewith the affidavit of the publication thereof in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

SECTION 6. At any time after such order shall have been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands opposite which such sidewalk is to be constructed, may, at his or their own expense, and in the manner and of the width and material designated in such order, construct such sidewalk opposite the said lot or lots or lands owned by them respectively.

Street commissioner to report condition of lot.

SECTION 7. Within three days after the expiration of the time limited in such order for constructing said sidewalk, the street commissioner of said city shall examine the street, part of street or block along which said sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing, signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been constructed, in conformity with such order and shall describe the lots or parts of lots or lands, if any, opposite which sidewalk has been so constructed as well as the lots, parts of lots or lands, if any, along which said sidewalk has not been so constructed.

SECTION 8. If it shall appear by such report of the street commissoner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall, at its next regular or special meeting after such report shall have been made and filed, direct the street commissioner to proceed at once to construct, in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once to so construct such part of such sidewalk.

SECTION 9. Immediately upon completing his work the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him in which he shall state the total expense actually incurred by

him in so constructing that part of such sidewalk in front of each lot, or part of lot or land, opposite which it appears by his report, the owner or owners of such lot or part of lot, or land had failed as aforesaid to construct sidewalk.

Cost of construction by city to be raised by special tax on lot.

SECTION 10. At its next regular or special meeting after such statement shall have been so filed, the common council shall by resolution levy and assess upon each lot or part of lot, or lands, opposite which any sidewalk or part of sidewalk shall have been so constructed, by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expenses incurred in so constructing the same as appears by said statement; and said resolution shall describe each of such lots, or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each such lot or parts of lots or lands. On or before the first day of December of each year, the city clerk of said city shall insert in a separate column in the tax list of his city next thereafter to be delivered to the city treasurer of said city for collection and opposite to the description therein of each of said lots, or parts of lots or lands, the amount of such special tax properly chargeable thereto as appears by the aforesaid resolutions adopted by the common council, and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots, or parts of lots, or lands, upon which such special taxes may be so levied and assessed may be sold and conveyed for the non-payment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

May require sidewalks to be built at expense of owner.

SECTION 11. Whenever it shall be necessary in the opinion of the common council to repair or reconstruct any sidewalk, the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lot or lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks; provided, however, that when any sidewalk shall be in an immediately dangerous condition, and that the cost of repairing the same

opposite any lot or piece of land shall not exceed three dollars, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city, to repair such sidewalk, and if such owners shall not at once proceed to repair the same, the street commissioner shall at once repair such dangerous sidewalk, and the cost of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks are levied and collected from the lots and lands abutting thereon.

City may sue for and recover penalties, etc.

SECTION 12. The city of Plymouth may sue for and recover any and all penalties, or forfeitures, under the charter of said city, or any amendment thereto, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, in the corporate name of said city of Plymouth, any general law of the state to the contrary notwithstanding, and such action shall be commenced by complaint, substantially in the following form:

Form of complaint.

State of Wisconsin, }
City of Plymouth, } ss.
County of Sheboygan }

..... being duly sworn, complains on oath to ..... the police justice of said city, that ..... did on the .... day of ..... 18.., violate the ..... th section of an ordinance, by-law or resolution, entitled .... (describing it by its title and number of section or other sufficiently clear description), and which ..... is now in force, as this deponent verily believes; and he prays that said ..... may be arrested and held to answer to the city of Plymouth therefor.

.....

Sworn and subscribed to before me this .... day of ...., 18..

.....

.....

Allegations of complaint.

It shall be sufficient to give the number of the section or sections, and the chapter or title of the ordinance, by-law, regulation or resolution, or of the law violated, in such complaint. Upon the filing of such complaint with the police justice a

warrant shall issue thereon substantially as follows:

Form of warrant.

State of Wisconsin, }
City of Plymouth. } ss.
County of Sheboygan. }

The state of Wisconsin to the city marshal of said city of Plymouth, or the sheriff or any constable of said county .....Greeting:

Whereas.....has this day by a complaint duly filed with me, complained in writing on oath that .... did, on the .. day of ...., 18.., violate the ....th section of an ordinance, by-law, regulation or law (describing it by its chapter or number, or otherwise sufficiently), which said .... is now in force and effect as said complainant verily believes; therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ..... and him forthwith bring before me to answer to said city of Plymouth on the complaint aforesaid.

Given under my hand this .... day of .... 18..

....., Police Justice.

Witnesses and jurors must attend without the payment of fees in advance.

SECTION 13. Witnesses and jurors shall attend in all city prosecutions without the payment of fees in advance, upon subpœna duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Form of finding.

SECTION 14. In city prosecutions the finding of the court or jury shall be "guilty," or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, and where the same is not to exceed a certain sum, and not less than a certain other sum, shall fix the amount of such fine, penalty or forfeiture as he shall deem best, within the provisions of such ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. If not guilty, the costs, as in actions in justices' courts, shall be taxed against the city; but no attorney's fees shall be taxed for

or against the defendant in any such suit. Execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be enforced and collected by levy and sale, on execution, of the property of the defendant, as provided by law in civil actions before a justice of the peace. Execution.

SECTION 15. The execution upon any judgment recovered in any such action, may require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the jail of Sheboygan county, for a term not exceeding six months, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. And said execution and commitment may require the defendant to perform hard labor, during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Sheboygan county, according to the terms of the execution. Such execution may be in the following form: Execution against body when.

State of Wisconsin, }
City of Plymouth, } ss.
County of Sheboygan. }

The state of Wisconsin, to the sheriff or constable of said county of Sheboygan, the city marshal of said city, or the keeper of the common jail of said county: Form of execution.

Whereas, the said city of Plymouth, on the .... day of ....., 18..., recovered a judgment before the .... of said ....., against ....., for the sum of ..... dollars, together with ..... dollars, costs of suit, for the violation of (here insert the number of section, chapter or title of the ordinance and offense, as set forth in the complaint). These are, therefore in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said.... (excepting such as the law exempts), and make sale thereof according to law in such case made and provided, to the amount of said sums together with your fees, and twenty-five cents for the execution; and the same return to me within thirty days; to be rendered to the said..... for said judgment and costs, and for want of

said goods and chattels whereon to levy, to take the body of said...., and him convey and deliver unto the keeper of the common jail of said county, who is hereby commanded to receive and keep the....., in safe custody in said jail, and at hard labor for the term of....., unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by the due course of law.

Given under my hand this....day of..... .., 18....

....,
Police Justice.

Penalties to be paid to city treasurer.

SECTION 16. All penalties, forfeitures, fines or claims due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer, within one month after the judgment thereof, by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same, to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same for five days after the return day thereof, the judge or justice, shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city, against the officer and his sureties for the default.

Appeals.

SECTION 17. Appeals shall be allowed in all said cases to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions, may appeal to the circuit court of Sheboygan county by filing an affidavit and bond and complying with the requirements of appeals in civil cases before justices of the peace; provided, however, that such appeals should be taken and perfected within forty-eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the same proceedings shall be had as to the hearing, judgment, dismissal of appeals, transmission of papers and execution as prescribed by law in case of appeals in civil cases from justices' courts.

Jail fees and officer's fees.

SECTION 18. The jail fees and officers' fees, if any, for commitment on prosecution in behalf of the city, shall be audited and allowed by the common council when the same cannot be collected

of the defendant before his discharge; and said common council may by resolution direct the judge or justice to discharge from the jail any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the city clerk, the judge or justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; an execution may issue or be renewed by indorsement from time to time, before or after the return day thereof; and before or after the commitment of the defendant, until the judgment is satisfied or released; but after the defendant shall have been once committed no execution shall be issued against the body of the defendant in the same action.

SECTION 19. Section 25, of said chapter 193, is hereby amended by adding thereto the following:

To compel cleaning of sidewalks.

To compel all persons to remove the dirt, snow and ice from the sidewalk in front of the premises occupied or owned by them, and to keep the streets swept in front of such premises, and to prevent the encumbering of the streets, sidewalks and crosswalks with carriages, wagons carts, sleds, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substances or materials whatsoever, and to prohibit excavating on streets, or the raising or lowering the surface of streets, crosswalks or sidewalks, above or below the established grade, or the interference in any manner with the established grade of the streets, and to prohibit the raising of any portion of a sidewalk to a higher grade than the portion adjoining, unless with the consent of the common council, and to prohibit injury to sidewalks.

To maintain established grade.

To regulate, restrain and prohibit the ringing of bells and the crying of goods, wares and merchandise or other commodities in the streets of said city.

To compel railroad companies and other corporations and persons, to do all needful and proper draining, grading and filling upon the lands owned or occupied by them, within the limits of said city; to compel railroad companies to con-

struct and keep in repair suitable street crossings and carriage-ways over their several tracks, and place flagmen at such street crossings in said city as said common council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent such cars from passing at a greater rate of speed than six miles per hour through said city, and to prevent the obstructions of streets, lanes and highways, by the cars of said companies, and to regulate the putting up of all necessary signs to beware of the cars, at railroad and street crossings.

Shade trees.

To protect shade trees and direct and compel and regulate the planting, rearing and preservation of shade or ornamental trees in the streets and public grounds in said city.

To purchase and lay out public parks, squares or grounds, and improve the same.

To establish, construct and build all necessary drains, sewers and gutters, and maintain the same.

To fix up, widen, straighten, deepen, drain, dress, or otherwise improve or abate any and all sloughs, ravines, water courses and wet places in the limits of said city.

Ashes.

To prevent the deposit of ashes in unsafe places, and to cause all buildings and enclosures, that may be in a dangerous state, to be put in a safe condition.

Chimneys, fire places, etc.

To regulate and prevent the improper construction and unsafe condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus now in and about any buildings or manufactory, and to cause the same to be removed or put in a safe condition.

To authorize the mayor, aldermen, police, firemen and other officers of the city to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all persons in said city to aid in the extinguishment of fires and the protection and preservation of property thereat.

To authorize and require any person appointed for that purpose to enter all buildings and enclosures at proper times, to ascertain whether the arrangements for fire, or the preservation of ashes are dangerous, and to cause such as are dangerous to be put into a safe condition.

The common council may cause all streets, highways, alleys, lanes, side and crosswalks, culverts, drains, sewers, public places in the said city, to be surveyed and described, and the established height of all grades of streets or sidewalks, to be recorded in books to be kept by the city clerk for that purpose, and to cause maps to be made and filed with the city clerk. Such records and maps, when so filed, shall be *prima facie* evidence of the facts therein described and portrayed, in all actions and places between the city and other persons, touching their location and the facts therein or thereon represented. To fix grade of streets.

So that said section when so amended shall read as follows:

SECTION 25. The common council shall have the control and management of finances and all property belonging to the city, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, amend, modify and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expendient; declaring and enforcing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws: Shall manage city's finances.

To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibitions of caravans, circuses, theatrical performances, billiard tables or bowling saloons. Showmen's licenses.

To provide for the abatement and removal of all nuisances under the ordinances or at common law.

To grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinuous or fermented liquors, and to repeal the same for violation Licenses to sell liquors, etc.

thereof provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year; and provided, further, that no person thus licensed shall sell or give away spirituous, fermented or vinous liquors on election days.

Gaming.

To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city.

To restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by said common council.

Riots.

To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill-fame.

To authorize the destruction of all instruments used for the purpose of gaming.

To abate nuisances.

To compel the owners or occupants of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort or convenience of the inhabitants of said city.

To pass by-laws, ordinances, etc.

And the said common council shall have power at any regular meeting, to enact or ordain, publish and provide for necessary and suitable by-laws, which said by-laws, so provided for, enacted and ordained, shall be the law, rule and regulation until the same shall be abrogated and repealed by the said board, in the following cases:

To regulate slaughter houses, etc.

To regulate the location of slaughter houses; to prevent the obstruction of streets; to prevent horse racing, fast riding or driving in the streets, and to regulate the places of bathing or swimming; to restrain horses and other domestic animals from running at large, and to provide rules for impounding and sale of the same; to prevent the running at large of dogs and geese; to establish public pounds, pumps, wells, cisterns and reservoirs; to regulate and license hacks, cabs, drays carts, and the charges of hackmen draymen and

cartmen; to erect lamps and to provide for lighting streets, public grounds and public buildings; to authorize the building and protecting of sidewalks in the city as hereinbefore provided; to restrain drunkards and imoderate drinking or obscenity in the streets or public places; to compel the owner or occupants of grounds or buildings, where the same are occupied, to remove all obstruction from the sidewalks; to regulate auctions; to appoint watchmen and prescribe their duties.

To compel removal of snow from sidewalks.

To compel all persons to remove the dirt, snow and ice from the sidewalk in front of the premises occupied or owned by them, and to keep the streets swept in front of such premises, and to prevent the incumbering of the streets, sidewalks and crosswalks with carriages, wagons, carts, sleds, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substances or materials whatsoever, and to prohibit excavating on streets, or the raising or lowering the surface of streets, crosswalks or sidewalks, above or below the established grade, or the interference in any manner with the established grade of the streets, and to prohibit the raising of any portion of a sidewalk to a higher grade than the portion adjoining, unless with the consent of the common council and to prohibit injury to sidewalks

Ringing of bells, etc.

To regulate, restrain and prohibit the ringing of bells and the crying of goods, wares and merchandise or other commodities in the streets of said city.

Flagmen at railroad crossings.

To compel railroad companies and other corporations and persons to do all needful and proper draining, grading and filling upon the lands owned or occupied by them within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings and carriage-ways over their several tracks, and place flagmen at such street crossings, in said city, as said common council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent such cars from passing at a greater rate of speed than six miles per hour through said city, and to prevent the obstruction of streets, lanes and highways by the cars of said companies and to regulate the

putting up of all necessary signs to beware of the cars, at railroad and street crossings.

Shade trees.

To protect shade trees and direct and compel and regulate the planting, rearing and preservation of shade or ornamental trees in the streets and public grounds in said city.

Parks.

To purchase and lay out public parks, squares or grounds and improve the same.

Sewers.

To establish, construct and build all necessary drains, sewers and gutters, and maintain the same.

Ravines, sloughs, etc.

To fix up, widen, straighten, deepen, drain, dress, or otherwise improve or abate any and all sloughs, ravines, water courses and wet places in the limits of said city.

Ashes.

To prevent the deposit of ashes in unsafe places, and to cause all buildings and enclosures, as may be in a dangerous state, to be put in a safe condition.

Chimneys, fire places, etc.

To regulate and prevent the improper construction and unsafe condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus now in and about any buildings or manufactory, and to cause the same to be removed or put in a safe condition.

Fires, idle persons.

To authorize the mayor, alderman, police, firemen and other officers of the city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all persons in said city to aid in the extinguishment of fires, and the protection and preservation of property thereat.

Inspector of buildings.

To authorize and require any person appointed for that purpose to enter all buildings and enclosures at proper times, to ascertain whether the arrangements for fire, or the preservation of ashes are dangerous, and to cause such as are dangerous to be put into a safe condition.

Establish grade of streets.

The common council may cause all streets, highways, alleys, lanes, side and crosswalks, culverts, drains, sewers, public places in the said city, to be surveyed and described, and the established height of all grades of the streets or sidewalks, to be recorded in books to be kept by the city clerk for that purpose, and to cause maps to be made and filed with the city clerk. Such records and maps, when so filed, shall be *prima facie* evidence of the facts therein described and portrayed, in all actions and places between the city and other per-

sons, touching their location and the facts therein or thereon represented.

SECTION 20. A printed copy of an ordinance passed by the common council and published in a newspaper, or in a pamphlet, or book form purporting to be published by authority of the common council of said city, as certified by the clerk of said city to have been published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence of the trial of all cases cognizable before any court in the state. Publication of ordinances.

SECTION 21. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1891.

No. 332, S.] [Published March 3, 1891.

CHAPTER 14.

AN ACT to amend Chapter 409, of the laws of 1887, as amended by the several acts amendatory thereof relating to the city of Berlin.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. Section 33, of Chapter 409, of the laws of 1887, is hereby amended so as to read as follows: "Section 33. Every member of the common council who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money, for any purpose whatever, in violation of this act, or any amendment hereto, or shall ask or receive any compensation for doing any official act, except as inspector of election, member of the board of registry, member of the board of equalization or member of the county board of supervisors, and every member Member of council not to vote money to himself.

of the common council or other elective officer of said city, who shall purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof shall be punished by a fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail not more than sixty days nor less than ten days, or by both such fine and imprisonment, in the discretion of the court."

Penalty.

Common council to control, regulate, build, etc., streets, alleys, buildings and public grounds.

SECTION 2. Subdivision 34, of section 36, of chapter 409, of the laws of 1887, is hereby amended so as to read as follows: "34, to control, regulate, build, repair and clean the streets, alleys, bridges, public grounds and side and crosswalks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof and prevent the incumbering of streets, alleys and public grounds in any manner and protect the same from any encroachment or injury and to remove and abate any obstruction or encroachment therein and to regulate the manner of using streets and pavements in said city and protect the same from injury from vehicles used thereon."

Council to adopt regulations therefor.

SECTION 3. Section 82, of chapter 409, of the laws of 1887, is hereby amended so as to read as follows: "Section 82. The common council shall adopt general regulations relative to cleaning, building and repairing of streets, avenues, lanes, alleys, highways, bridges, sewers, sidewalks, crosswalks and public grounds and requiring the owners and occupants of lots or parcels of lands bordering or abutting on any street, lane, avenue, alley, or highway, to keep in repair, build or rebuild sidewalks adjoining their premises; and in case the owner or occupant of any such lot or parcel of land after reasonable notice shall neglect or refuse to repair, build, or rebuild any such sidewalk, the street commissioner shall in pursuance of such regulations or of the order of the common council cause the same to be done at the expense of the said lots or parcels of lands adjoining thereto or abutting thereon; and the street commissioner shall, prior to the second Monday in November in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly charge-

May repair sidewalks at expense of adjoining owners.

able against each lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other or like special taxes, authorized by this act shall be levied thereon by the common council, at the next succeeding annual levy of taxes, in said city, as a special tax with all the legal consequences both as to collection of taxes and sale of such lot or parcel of land for unpaid taxes, prescribed in this act, or the general laws of this state for special taxes; the cleaning, graveling and repairing of streets, avenues, lanes, alleys, highways and public grounds shall be done under the superintendency of the street commissioner at the expense of the city, and the common council may provide for letting all such work by the month or year by contract.

SECTION 4. All acts and parts of acts conflicting herewith are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1891.

No. 164, S.] [Published March 5, 1891.

CHAPTER 16.

AN ACT to amend chapter 162, of the laws of Wisconsin for the year 1887, entitled, "An act to revise, consolidate and amend the charter of the city of La Crosse, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of sub-chapter 2 of chapter 162, of the laws of Wisconsin for the year 1887, is hereby amended by striking out the words "city attorney" in the second line of said section 2, also by inserting the words "and commissioners of public works" after the word "aldermen" in the sixteenth line of said section 2, also by

Amends chapter 162, laws of 1887.

striking out the words "the treasurer now in office shall continue to hold said office until the first Monday of July, 1887," in the 27th, 28th and 29th lines of said section 2, also by inserting after the word years in the 32d line of said section 2, the following: "The three commissioners of public works at the charter election for the year 1891, shall be elected as follows: Two for the term of two years and one for the term of four years; at the charter election for the year 1893, two shall be elected for the term of four years, and at the charter election for the year 1895 one shall be elected for the term of four years, and so on alternately, first two elected and then one, and the term of office in each case after said first election shall be four years," so that said section when amended shall read as follows:

City officers, qualification, terms of office.

Section 2. The elective officers of said city shall be a mayor, city clerk, treasurer, comptroller for the city at large, three commissioners of public works for the city at large, justice of the peace for the city at large (who shall be *ex officio* police justice), tax commissioner, and one alderman, one justice of the peace, one supervisor, and one constable for each ward. All city officers must be residents of the city, and ward officers, supervisors and aldermen, must be residents of the ward for which they are elected. The mayor, clerk, treasurer, tax commissioner, comptroller and aldermen, must be free-holders within the city limits when elected and during their several terms. All city and ward officers, except aldermen and commissioners of public works to be elected by the people under this act, shall hold their respective offices for terms of two years. All supervisors shall hold their offices as members of the county board for two years, any other law of this state to the contrary notwithstanding. The term of every officer elected by the people under this act (except the treasurer) shall commence on the third Tuesday of April of the year in which he shall be elected, except in cases of election to fill vacancy; the term of office of the treasurer shall begin on the first Monday of July following his election. Aldermen, except as otherwise herein provided for aldermen to be elected at the charter election of 1891, shall hold office for the term of

four years. The three commissioners of public works at the charter election for the year 1891 shall be elected as follows: Two for the term of two years and one for the term of four years; at the charter election for the year 1893, two shall be elected for the term of four years, and at the charter election for the year 1895 one shall be elected for the term of four years and so on alternately, first two elected, then one, and the term of office in each case after said first election shall be four years. Should there be a failure of the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding such election being first given. The mayor and aldermen of the city of La Crosse shall be denominated the common council. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council or by the mayor, where such power is given to him by this act, or in such manner as the common council may direct, except when otherwise provided in this act.

Commissioners of public works, election of, and terms of office.

SECTION 2. Section 4 of sub-chapter 2 of chapter 162 of the laws of Wisconsin for the year 1887 is hereby amended by striking out the words "city attorney" where they occur in the fourth line of said section, and by inserting in lieu thereof the words "city clerk."

Amends chapter 162, laws of 1887; vacancies.

SECTION 3. Section 5 of sub chapter 3 of chapter 162 of the laws of Wisconsin for the year 1887 is hereby amended by striking out the words "at least ten days before the annual election" where they occur in the seventh and eighth lines of said section 5, and insert in lieu thereof the words "on the 30th day of June in each year," and by adding to the end of said section 5 the following sections, to wit:

Amends chapter 162, laws of 1887; duties of treasurer.

Section 5a. The city treasurer shall render weekly statements to the comptroller of the amounts received and disbursed by him; and the balance over five thousand dollars on hand in the treasury at the end of each week shall be deposited with the bank or banks or banking associations selected by the common council as provided in section 4 of this act, amendatory of chapter 162,

Additional duties of treasurer.

Deposit of funds.

laws of 1887, it or they giving proper vouchers therefor. From the time of depositing such funds, the said treasurer shall be relieved from all liability to the city of La Crosse, arising from the failure of the bank or bankers or banking associations safely to keep said funds. Such funds shall be drawn out only upon the check of the said treasurer, countersigned by the comptroller of the city.

Same.

Section 5b. The treasurer and comptroller may, whenever the balance in the treasury does not amount to five thousand dollars, increase it by their check, as aforesaid, in favor of the treasurer. The true object of this being to enable the treasurer to have funds under his control with which to pay such demands upon the treasury as he is or shall be required by law to pay.

Funds not to be misapplied.

Section 5c. Nothing in this act contained shall be so construed as to authorize the treasurer to apply funds so retained by him, or so to be drawn from the bank on his check, countersigned by the comptroller, to purposes other than those to which the same funds are appropriated by law. The common council may at any time, when, in their opinion, the safety or interests of the city require it, direct all sums so deposited to be paid into the treasury of the city, or to such bank or banks or banking associations as they may select under the law. The foregoing section 3 of this act shall not be applicable during the term for which the present city treasurer of La Crosse has been elected.

Amends chapter 162, laws of 1887.

SECTION 4. Sub-chapter 4 of chapter 162 of the laws of Wisconsin for the year 1887, is hereby amended by adding to the end of said sub-chapter 4, a new section, known as section 8, which shall read as follows: Section 8. As often as the common council shall think best for the safety of the city, they shall select some bank or banks or banking associations, with which all funds in the treasury of the city, in excess of five thousand dollars, or which shall thereafter be collected or received by the treasurer, shall be deposited; provided, however, that such bank, banks or banking associations so selected shall, before receiving such funds, give security in the same manner as is now required of the treasurer of said city, for the safe keeping and proper distrib-

Council may select depository for public funds.

uting of such funds, which security shall be approved by the common council, and the common council may, before or after selecting a depository or depositories, contract with such bank or banks or banking associations, that it or they shall pay to the city such interest upon said funds, so to be deposited, as they may mutually agree upon.

Amends chapter 162, laws of 1887, as amended.

SECTION 5. Section 1, of sub-chapter 5, of chapter 162, of the laws of Wisconsin for the year 1887, as amended by section 25 of chapter 492, of the laws of Wisconsin for the year 1889, is hereby amended so as to read as follows: Section 1. There is hereby established for the city of La Crosse, an executive department to be known as the board of public works, which shall consist of three persons, styled Commissioners of Public Works. The members of said board shall be elected by the people. No two members of said board shall be residents of the same ward. All the members of said board shall be citizens and residents within said city and freeholders within the city limits. The term of office of the commissioners shall be four years, except as provided in section 1, of this act, and shall commence on the third Tuesday of April. As often as a vacancy shall occur in said board, whether by death, resignation or otherwise, a person shall be elected in the manner heretofore provided, to succeed the person whose office shall so become vacant, for the remainder of his term. The commissioners shall elect annually from their own number a president and also from their own number a secretary, who is hereby authorized to administer all oaths required by this act. The city engineer and the commissioners of said board may be removed for incompetency by the mayor with the approval of two-third of all the members elect of the common council.

Commissioners of public works: election, qualification and term of office.

Amends chapter 162, laws of 1887.

SECTION 6. Section 17 of sub-chapter 5 of chapter 162 of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 17. Whenever the board of public works shall deem it for the interest of the city to procure any supplies or materials or cause any work to be done without the intervention of a formal contract, they shall report the same to the common council, giving their reasons there-

When board of public works may procure supplies or order work done without intervention of a contract.

for, which report may be made and action taken thereon before advertising for proposals for furnishing or doing the same, and the common council may, by resolution, authorize the said board to procure the necessary supplies or materials or employ workmen to do such work; in which case no advertisement for proposals shall be necessary, provided that such authority shall not be given unless approved by the votes of at least three-fourths of all the members elect of the common council; and further provided that such authority shall not be exercised unless the comptroller shall as provided in section 18 of this chapter, advise the board that there are sufficient funds available for the proposed supplies, materials or work.

Amends chapter 162, laws of 1887.

SECTION 7. Section 1, of sub-chapter 11, of chapter 162, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows:

Police department.

Section 1. The police department of the city of La Crosse shall consist of one chief of police, one captain, one sergeant, one desk sergeant, detectives not to exceed three in number, and patrolmen in such numbers as the common council may from time to time determine, not exceeding, however, one for every two thousand inhabitants. It shall be lawful for the chief of police, with the consent of the mayor, to appoint, when emergency requires, such necessary special policemen as the protection of the public or property may demand, and reasonable sums for the service of such special policemen shall be paid by the city of La Crosse. But such special policemen shall in no case be employed upon the regular police force; nor shall their term of service extend beyond the existence of the emergency which required their appointment. It shall further be lawful for the chief of police, with the consent of the mayor, to appoint any number of special policemen, who shall be employed and paid by private individuals or business corporations, with powers not to exceed the powers of patrolmen, and with the privilege of wearing badges and uniforms; but the special policemen last mentioned shall in no case be paid out of the city treasury. The common council shall have power to provide for the use of patrol wagons and the employment of drivers for the same, in such numbers as the common coun-

Special policemen.

cil shall provide, such drivers to be under the control of the chief of police, and to be appointed by him, and to possess powers not exceeding the powers of patrolmen.

SECTION 8. Section 2, of sub-chapter 11, of chapter 162 of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 2. The chief of police shall be appointed by the mayor, by and with the advice and consent of the common council, at the regular meeting of the common council held in October of the year 1891, and biennially thereafter, and shall hold his office for the term of two years from the date of his appointment; and until his successor shall be in the same manner appointed. Detectives, captain, sergeant, desk sergeant and patrolmen shall be appointed by the chief of police and shall hold their offices during his pleasure; provided, that no detective shall be appointed without the advice and consent of the mayor. The chief of police of said city shall hold his office until his successor shall be appointed and qualified, unless removed for cause.

Amends chapter 162, laws of 1887.

Appointment of police officers.

SECTION 9. Section 4, of sub chapter 12, of chapter 162, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 4. At the first meeting for organization of the new council, on the third Tuesday in April in the year 1891, and biennially thereafter, the common council shall appoint one chief engineer and three assistant engineers of the fire department of said city, and the engineers so appointed shall hold office for the term of two years, unless removed for cause, and shall perform such duties and receive such salaries as the common council may prescribe.

Amends chapter 162, laws of 1887.

Engineers, how appointed.

SECTION 10. Section 5, of sub-chapter 12, of chapter 162, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 5. At the first meeting for organization of the new council on the third Tuesday in April of the year 1891, and biennially thereafter, the common council shall elect one fire marshal, who shall hold his office for two years unless removed for cause, and perform such duties and receive such salary as the common council may prescribe. He may at any time enter into an open house, store or other building or enclosure for the

Amends chapter 162, laws of 1887.

Fire marshal.

purpose of inspecting the same and with a view to guard against fire; provided, that the common council may, in its discretion, omit the election of such officer and require such duties to be performed by a subordinate of the board of public works, who shall be subject to the control of such board and shall have and exercise all the powers herein mentioned.

Amends chapter 162, laws of 1887.

Levy of tax.

SECTION 11. Section 9, of sub-chapter 13 of chapter 162 of the laws of Wisconsin for the year 1887, is hereby amended by inserting after the word "itself" in the eighteenth line of said section, the following clause, to wit: Provided that the common council may, by the votes of two-thirds of all the members-elect, levy a tax for such purposes for a greater or less amount than the estimate proposed by the board of education.

Amends chapter 162, laws of 1887.

SECTION 12. Sub chapter 7 of chapter 162 of the laws of Wisconsin for the year 1887, is hereby amended by inserting after section 4 of said sub-chapter 7, a new section to be known as section 4a, which shall read as follows: Section 4a.

Macadamizing and paving of streets and alleys.

The common council may at any time by resolution, order any street or alley of the city of La Crosse to be macadamized or paved with any desired material, and cause the same to be done by general contract as provided in section 9 of sub-chapter 5 of said chapter 162, and in such case the adjoining property owners shall not be permitted to do the work adjacent to their property, but the expense of macadamizing or otherwise paving such street or alley to the center thereof, shall be chargeable to and payable by the lots or pieces of land fronting or abutting upon such street or alley; and certificates shall issue against the same and be made a lien thereon as provided in section 5 of said sub chapter 7.

Appointment and terms of office of city attorney, city physician and superintendent of poor; duties.

SECTION 13. The common council of the city of La Crosse at the first meeting for organization of the new council on the third Tuesday in April in the year 1892, or as soon thereafter as may be, and biennially thereafter, shall appoint a city attorney, city physician, and superintendent of poor, whose term of office shall be two years and until their successors, respectively, are appointed and have qualified. In addition to the duties now prescribed by law, each of said officers shall perform such

further duties as the common council may require and each shall receive such salary, payable quarterly, as the common council shall provide.

SECTION 14. Sub-section 3 of section 3 of sub-chapter 4, of chapter 162, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 3. To prevent any riot, noise, disturbance, and disorderly assemblages, and to restrain disorderly houses and houses of ill-fame, and to punish by fine or imprisonment or both, the keepers and the inmates of such houses, and to authorize the destruction of all instruments used in gaming.

Amends chapter 162, laws of 1887.

May prevent riots, etc., and suppress houses of ill-fame, etc.

SECTION 15. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Repeals conflicting acts.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1891.

No. 165, S.] [Published March 5, 1891.

CHAPTER 17.

AN ACT to amend chapter 162, of the laws of Wisconsin for the year 1887, entitled, "An act to revise, consolidate and amend the charter of the city of La Crosse, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of sub-chapter 1, of chapter 162, of the laws of Wisconsin for the year 1887, is hereby amended so as to read as follows: Section 2. The said city of La Crosse shall be divided into twenty wards, numbered and bounded as follows, to-wit:

Amends chapter 162, laws of 1887.

Wards and their boundaries.

All that part of said city lying south of the north section line of section 32, township 16, range 7 west, and east of the center line of Sixth street, extended to its intersection with the north

First ward.

line of said section 32, and north of the center line of Pine street, extended east to its intersection with the center line of Twelfth street, and west of the center line of Twelfth street, extended north from the center line of Pine street, to its intersection with the north line of said section 32, shall constitute and be known as the First ward.

Second ward. All that part of said city lying south of the center line of Main street, extended east to its intersection with the center line of Sixth street, and west of the center line of Sixth street, extended south to its intersection with the center line of Cass street, and north of the center line of Cass street, extended west to the western boundary of said city, shall constitute and be known as the Second ward.

Third ward. All that part of said city lying south of the center line of Market street, extended east to its intersection with the center line of Sixth street, and west of the center line of Sixth street, extended south to the southern boundary of said city, shall constitute and be known as the Third ward.

Fourth ward. All that part of said city lying south of the center line of Pine street, extended east to its intersection with the center line of Eleventh street, and west of the center line of Eleventh street, extended south to its intersection with the center line of King street, and north of the center line of King street, extended west to its intersection with the center line of Sixth street, and east of the center line of Sixth street, extended north to its intersection with the center line of Pine street, shall constitute and be known as the fourth ward.

Fifth ward All that part of said city lying north of the center line of St. Andrew street, extended east and west to the boundary lines of said city, and south of the center line of St. James street, extended east and west to the boundary lines of said city, shall constitute and be known as the Fifth ward.

Sixth ward. All that part of said city lying south of the center line of King street, extended east to its intersection with the center line of West avenue, and west of the center line of West avenue, extended south to its intersection with the center line of Ferry street, and north of the center line

of Ferry street, extended west to the center line of sixth street, and east of the center line of Sixth street, extended north to its intersection with the center line of Cass street, and south of the center line of Cass street, extended east to its intersection with the center line of Sixth street, and east of the center line of Sixth street, extended north to its intersection with the center line of King street, shall constitute and be known as the Sixth ward.

Seventh ward.

All that part of said city lying south of the center line of Ferry street, extended east to the eastern boundary of said city, and east of the center line of West avenue, and north of the center line of Jackson street, extended east to the eastern boundary of said city, shall constitute and be known as the Seventh ward.

Eighth ward.

All that part of said city lying south of the center line of Jackson street, extended east to the eastern boundary of said city, and east of the center line of Tenth street, extended south to the southern boundary of said city, shall constitute and be known as the Eighth ward.

Ninth ward.

All that part of said city lying north of the center line of Clinton street, extended east and west to the boundary lines of said city, and south of the center line of Sill street, extended east and west to the boundary lines of said city, shall constitute and be known as the Ninth ward.

Tenth ward.

All that part of said city lying north of the center line of Sill street, extended east and west to the boundary lines of said city, and south of the center line of Gohres street, extended east and west to the boundary lines of said city, shall constitute and be known as the Tenth ward.

Eleventh ward.

All that part of said city lying south of the north section lines of sections 32 and 33, township 16, range 7 west, and east of the center line of Twelfth street, extended north to its intersection with the north line of said section 32, and south to its intersection with the center line of Pine street, and north of the center line of Pine street, extended east to the eastern boundary of said city, shall constitute and be known as the Eleventh ward.

Twelfth ward.

All that part of said city lying south of the north lines of sections 31 and 32, township 16, range 7 west, and north of the center line of Main street, extended east to its intersection with

the center line of Sixth street, and west of the center line of Sixth street, extended north to its intersection with the north line of section 32, aforesaid, shall constitute and be known as the Twelfth ward.

Thirteenth ward.

All that part of said city lying south of the center line of Cass street, extended east to its intersection with the center line of Sixth street, and west of the center line of Sixth street, extended south to its intersection with the center line of Market street, and north of the center line of Market street, extended west to the western boundary of said city, shall constitute and be known as the Thirteenth ward.

Fourteenth ward.

All that part of said city lying south of the center line of Pine street, extended east to the eastern boundary of said city, and east of the center line of Eleventh street, extended south to its intersection with the center line of King street, and north of the center line of King street, extended east to the eastern boundary of said city, shall constitute and be known as the Fourteenth ward.

Fifteenth ward.

All that part of said city lying north of the north section lines of sections 31, 32 and 33, township 16, range 7 west, and south of the center line of St. Andrew street, extended east and west to the boundary lines of said city, shall constitute and be known as the Fifteenth ward.

Sixteenth ward.

All that part of said city lying south of the center line of King street, extended east to the eastern boundary of said city, and east of the center line of West avenue, extended south to its intersection with the center line of Ferry street, and north of the center line of Ferry street, extended east to the center boundary of said city, shall constitute and be known as the Sixteenth ward.

Seventeenth ward.

All that part of said city lying south of the center line of Ferry street, and east of the center line of Sixth street, and north of the center line of Jackson street, and west of the center line of West avenue, shall constitute and be known as the Seventeenth ward.

Eighteenth ward.

All that part of said city lying south of the center line of Jackson street, extended west to the center line of Sixth street, and east of the center line of Sixth street, extended south to the south-

ern boundary of said city, shall constitute and be known as the Eighteenth ward.

All that part of the city lying north of the center line of St. James street, extended east and west to the boundary lines of said city, and south of the center line of Clinton street, extended east and west to the boundary lines of said city, shall constitute and be known as the Nineteenth ward. Nineteenth ward.

All that part of said city lying north of the center line of Gohres street, extended east and west to the boundary lines of said city, shall constitute and be known as the Twentieth ward. Twentieth ward.

SECTION 2. There shall hereafter be elected from each of the above named wards the same officers as are now provided by law to be elected from each of the wards of said city, with the same length of terms as now provided, except that hereafter there shall be elected one alderman only for each ward of said city, as above made and constituted, whose term of office shall be four years, and this act shall not effect the term of office of any alderman now serving. One alderman each for the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth wards of said city shall be elected at the charter election of said city for the year 1891, and an alderman each for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth wards of said city shall be elected at the charter election for the year 1893, and so on alternately. The present alderman for each of the ten wards of said city, whose terms do not expire until the year 1893, shall represent until said time, respectively, the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eight, Ninth and Tenth wards of said city, as the same are constituted by this act. Ward officers; election and term of office of.

SECTION 3. Section 17, of subdivision 3, of chapter 162, of the general laws of Wisconsin for the year 1887, as amended by section 2 of chapter 492 of the general laws of Wisconsin for 1889, is hereby amended so as to read as follows: Section 17. The common council shall select an official paper at its regular monthly meeting in June, 1891, and biennially thereafter, and the newspaper thus selected, shall for the term of two years, thereafter, be the official city paper and shall publish all ordinances, proceedings or Amends chapter 162, laws of 1887, as amended. Official paper.

notices required to be published by law or by any ordinance or resolution of the common council, and all city advertising, at the price of fifty-five cents per folio for the first insertion, and thirty cents per folio for each subsequent insertion. No newspaper shall be selected as the official city paper under this act unless it be a daily newspaper printed in the English language, established and regularly printed for at least three years prior to the passage of this act, in the city of La Crosse. All ordinances and other proceedings and notices required by this act or by the resolutions or ordinances of the common council to be published, and all annual reports of officers, shall be published in a newspaper selected under the provisions of this section, and the printer of such newspaper shall file with the clerk of said city his own affidavit, or the affidavit of his foreman or principal clerk, annexed to a printed copy of such ordinance, resolution, notice or other proceedings, taken from said paper, and specifying the time when and the paper in which the same was published; and such affidavit shall be received in all courts and places as presumptive evidence of such publication, and of the facts therein stated. The common council shall have power to contract with the publishers of newspapers printed in foreign languages, for the publication therein of the proceedings of the common council and the annual reports of such city officers as the common council may order to be so published. The common council shall, at its first regular meeting in April each year, or as soon thereafter as practicable, cause the board of public works to advertise for sealed proposals for doing the job printing of said city for the year next ensuing, and to enter into contract for the same, subject to the provisions of this act in relation to the letting of contracts by said board.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1891.

No. 260, A.] [Published March 5, 1891.

CHAPTER 19.

AN ACT to amend the charter of the city of Beaver Dam.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All elections in said city and in each ward thereof shall hereafter be held in the city hall and adjoining public buildings in the Fourth ward in said city, and the common council of said city shall, by resolution, designate and provide the room to be used by the electors of each ward for election and registry purposes. Election where held.

SECTION 2. The general law, requiring the registration of electors shall not apply to the annual municipal or judicial elections hereafter held in said city, and no registry of electors shall be required at any annual or special election held in said city. General election law not applicable to municipal or judicial elections.

SECTION 3. All bridges within said city shall be erected, maintained and kept in repair at the expense of the city. Bridges.

SECTION 4. At the annual muncipal election in April, 1891, and annually thereafter there shall be elected in said city two justices of the peace who shall severally hold their office for two years, and until their successors shall be elected and qualified. Justice of the peace.

SECTION 5. This act is amendatory of the charter of the city of Beaver Dam, being chapter 83, of the laws of 1885, and the laws amendatory thereof, and any and all the provisions thereof inconsistent with or in conflict with the provisions of this act are hereby repealed and modified to the extent that this act may be carried into effect and of full force. Repeals conflicting acts.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1891.

No. 230, A.] [Published March 5, 1891.

CHAPTER 20.

AN ACT to consolidate and amend an act to incorporate the city of Green Bay and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 169, laws of 1882.

Wards and their boundaries.

First ward.

Second ward.

Third ward.

SECTION 1. Section 3 of chapter 1 of chapter 169 of the laws of Wisconsin for the year 1882, is hereby amended so as to read as follows: Section 3. All that part of said city lying south of a line commencing in the center of the channel of the Fox river and running thence south sixty-four degrees east, through the center of the tier of blocks commencing with block number four, upon the recorded plat of Astor, of record in the register's office of the county of Brown, to the eastern boundary line of said city, shall be and constitute the First ward. All that part of said city bounded south by the First ward, as above described, west by the center line of the channel of the Fox river, north by a line commencing in the center of the channel of said Fox river, and running thence south, sixty-four degrees east, along the northern boundary line of lots numbered nine, thirty, forty-seven, sixty-eight and eighty-five as the same are laid down on the plat of Navarino, of record in the Register's office of said county of Brown, to the west line of Jefferson street, thence in a northeasterly direction to the northwest corner of lot numbered five hundred and thirty-two on said last mentioned plat, then south sixty-four degrees east to the western boundary line of Jackson street in said city, and east by the western boundary line of said Jackson street, shall be and constitute the Second ward; all that part of said city bounded south by the second and fifth ward, as above described, west by the center line of the channel of Fox river, north by the center line of the channel of East river and east by the westerly boundary line of Webster avenue shall be, and constitute the Third ward; all the remaining

parts of said city not included in the First, Second, Third and Fifth wards herein described, shall be and constitute the Fourth ward; all that part of said city bounded south by the First ward, west by the Second ward north by a line commencing at the northeast corner of lot number five hundred and fifty-five on said plat of Navarino and running thence south, sixty-four degrees east to the westerly boundary line of Eleventh street in said city, thence in a northeasterly direction to a point on the easterly boundary line of said Eleventh street, in the center of St. Clair street at its junction with said Eleventh street, thence easterly along the center of said St. Clair street to the easterly termination thereof, and thence south sixty-four degrees east to the center line of the channel of East river and on the east by the center line of the channel of East river, shall be and constitute the Fifth ward.

Fourth ward.

Fifth ward.

SECTION 2. Section 1, of chapter 2, of chapter 169 of the laws of Wisconsin for the year 1882, as amended by chapter 2, of the laws of Wisconsin for the year 1883, is amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, two aldermen from each ward, and one supervisor from each ward, a city treasurer, city clerk and three justices for the city at large; one of said justices shall be elected as and called police justice. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council, except the police force, which shall be appointed by the mayor and confirmed by the council.

Amends chapter 169, laws of 1882, as amended.

City officers.

SECTION 3. Section 4 of chapter 115 of the laws of Wisconsin for the year 1889, is amended so as to read as follows: At the first charter election held after the passage and publication of this act no aldermen shall be elected in the First and Third wards; one alderman shall be elected in the Second ward, who shall hold his office for two years; two aldermen shall be elected in the Fourth ward, the alderman-elect who shall have received the largest number of votes, shall hold his office for two years, and the alderman-elect who shall have received the next largest number of votes, shall hold his office for one year, and one alderman shall be elected in the Fifth ward, who shall

Amends chapter 115, laws of 1889.

Ward officers.

hold his office for one year. Thereafter at the charter election there shall be elected in each ward one alderman who shall hold his office for two years.

SECTION 4. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 24, 1891.

No. 26, A.] [Published March 10, 1891.

CHAPTER 22.

AN ACT to amend the charter of the city of Reedsburg.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 128, laws of 1887.

City officers.

SECTION 1. Section 5 of chapter 128, of the laws of 1887, (being the charter of the city of Reedsburg), is hereby amended so as to read as follows: Section 5. The officers to be elected by the people, shall be a mayor, treasurer, assessor, clerk, three justices of the peace, two constables, one marshal and one street commissioner for the city at large, and three aldermen for each ward, all of said officers, except justices of the peace, constables, marshal and street commissioner shall be freeholders in said city.

Amends chapter 128, laws of 1887.

All officers elected for one year.

SECTION 2. Section 9 of said chapter 128, of the laws of 1887, is hereby amended so as to read as follows: Section 9. All officers elected except justices of the peace and aldermen, shall unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, that the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or

agent of the city, except justices of the peace, due notice and opportunity to be heard, having been first given to the officer proposed to be removed. Justices of the peace and aldermen shall hold their offices for three years, and until their successors are elected and qualified. The term of office of every officer elected or appointed under this act, shall commence on the second Tuesday in April of the year in which such officer is elected or appointed, except that of superintendent of schools, which shall commence on the second Tuesday of July next succeeding the appointment.

Election of justices of the peace and aldermen.

SECTION 3. At the annual election to be held in said city, on the first Tuesday in April, 1891, there shall be elected one justice of the peace for the city at large, and three aldermen for each ward. After the canvass of the votes of said election, and before the time for the commencement of his term of office, the justice of the peace who shall be elected at said election, together with the two justices of the peace then in office in said city shall at a time and place to be determined by the council, in the presence of the council, and in such manner as the council shall prescribe, determine by casting lots, which of said justices of the peace shall hold his office for the term of one year; which shall hold his office for the term of two years, and which shall hold his office for the term of three years; and they shall hold their respective offices for such terms accordingly, and thereafter there shall be one justice of the peace elected for the city at large, each year. In case a vacancy shall occur in the office of either or of both the justices of the peace now in office in said city, previous to the time for holding the annual election in 1891, a justice or justices of the peace shall be elected at such annual election, to fill such vacancy or vacancies; the length of whose term of office shall be determined by lot, in the manner hereinbefore prescribed. After the canvass of the votes of said election in the year 1891, and before the time for the commencement of their term of office the three aldermen-elect of each ward, shall at a time and place to be determined by the council, in the presence of the council, and in such manner as

the council shall prescribe, determime by casting lots, which of said aldermen shall hold his office for the term of one year; which shall hold his office for the term of two years, and which shall hold his office for the term of three years; and they shall hold their respective offices for the length of time accordingly, and thereafter there shall be elected one alderman for each ward, each year.

Amends chapter 128, laws of 1887.

If supervisor unable to attend meetings of county board, alderman shall.

SECTION 4. Section 14, of said chapter 128, is hereby amended so as to read as follows: Section 14. In case of the inability of the supervisor of either ward from any cause, to act, or attend the meetings of the county board, the alderman of that ward whose term of office shall be the first to expire, shall attend the meetings of the county board and represent his ward thereat, and in case of his inability for any cause to attend, then the alderman of that ward, whose term of office shall be the next to expire, shall attend the said meetings of the county board and represent his said ward thereat; and in case of his inability for any cause to act, then the alderman of the same ward, whose term of office shall be the last to expire, shall attend the said meetings of the county board, and represent his said ward thereat.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1891.

No. 121, A.] [Published March 16, 1891.

CHAPTER 23.

AN ACT to revise, consolidate and amend the charter of the city of Sparta, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country described as follows: Commencing at the center of the northeast quarter of section number thirteen, in township number seventeen north, of range number four west, of the fourth meridian; running thence west on the one-eight line to the center of the northwest quarter of section number fourteen, in said township; thence south on the one eight line to the center of the southwest quarter of section number twenty-three, in said township; thence east on the one-eighth line to the center of the southeast quarter of section number twenty-four, in said town; thence north on the one-eighth line to the place of beginning, making an area of thirty-six forties or fourteen hundred and forty acres, according to government survey, and being in the town of Sparta, Monroe county, shall hereafter be known and designated as "the city of Sparta," and the inhabitants residing, or who may hereafter reside within the limits of said city, are hereby constituted a body corporate by the name of "the city of Sparta," and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be in law capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, Boundaries.

defending and being defended, in their corporate name, in all courts and places, and in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal and may change the same at pleasure.

First ward.

Second ward.

Third ward.

Fourth ward.

SECTION 2. The said city shall be divided into four wards, as follows: The portion lying east of the center line of Water street, and north of the center line of Franklin street, continued to the east boundary line of said city shall constitute the First ward; the portion lying west of the center line of Water street and north of the center line of Main street, continued to the west boundary line of said city, shall constitute the Second ward; the portion lying east of the center line of Water street and south of the center line of Franklin street, continued to the east boundary line of said city, shall constitute the Third ward; the portion lying west of the center line of Water street and south of the center line of Main street, continued to the west boundary line of said city, shall constitute the Fourth ward.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of eight members, who, with the mayor, shall be denominated the common council.

CHAPTER II.

ELECTIVE OFFICERS.

Common council invested with corporate authority.

SECTION 1 The elective officers of said city shall be a mayor, treasurer, assessor, two justices of the peace, one police justice and one constable for the city at large, and two aldermen for each ward. All other officers necessary for the proper management of the affairs of said city, shall be elected by the common council.

City officers.

SECTION 2. All elective officers except aldermen, justices of the peace and police justice, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and have qualified; said aldermen, justices of the peace and police justices shall hold their respective offices for two years, excepting as hereinafter provided.

SECTION 3. A supervisor to represent each ward of said city in the county board of supervisors of Monroe county shall be annually elected at the time and place of the election of aldermen for said city. Each supervisor so elected shall hold his office for one year, and shall be, when so elected, a resident of the ward for which he is elected. If, for any reason, any such supervisor shall be unable to attend any meeting of said county board of supervisors, the mayor shall appoint in writing one of the aldermen of the ward for which such supervisor was elected, to act for, and in the place of such supervisor at such meeting; any alderman so appointed shall represent his ward and have the same power at meeting as said supervisor would have if present. No supervisor or any alderman acting in his place shall receive any compensation from the city for any of his services, unless such service be specially authorized by the common council, and provisions for the payment of the same be made by it.

Officers elected for one year.

Supervisors.

SECTION 4. All elective officers shall be qualified electors of said city, and the mayor, assessor and aldermen shall be freeholders in said city.

Qualifications of officers.

CHAPTER III.

ELECTIONS.

SECTION 1. The annual election for city and ward officers shall be held on the first Tuesday in April of each year, at such place or places in each ward as the common council shall designate and provide, and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, but any adjournment may be made from 12 o'clock, noon, to one o'clock in the afternoon, by notice thereof given at the opening of the polls. The city clerk shall give at least six days' notice of such election, stating time and place of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more papers published in said city of Sparta, or by posting copies of such notice in two or more public places in

Time of opening and closing of polls.

Notices of election.

each ward of said city. If notice be given by newspaper publication as aforesaid, the city clerk shall file a copy of the paper containing such notice in his office; if given by posting notices as aforesaid, the city clerk shall attach to the original notice his certificate, stating the time of posting notices, and number posted in each ward, and the places of posting the same, and file such original notice with such certificate attached in his office. In all other respects such election shall be conducted as is prescribed by the general law of the state; provided, however, that the failure to give such notice shall in no way invalidate such election.

Who are legal voters.

SECTION 2. All persons qualified to vote at general elections for state officers, and who shall have been residents of said city for at least ten days next preceding any election, shall be legal voters for any officers required to be elected by this act, and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote does not possess the qualification of an elector under this act, the inspectors shall decide upon the challenge, or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections.

Judges and inspectors of elections.

SECTION 3. Any one of the aldermen in each ward, together with two suitable persons, qualified electors of said ward, appointed by the common council of said city, shall preside at and be the judges and inspectors of every election held under this act.

Clerks of election.

SECTION 4. The aldermen of each ward shall appoint one suitable person clerk of election for such wards; the person so appointed must be a qualified elector of said ward, and shall be the clerk of every election held under this act.

Appointments, when to be made.

SECTION 5. The appointment of the inspectors and clerks of election, as hereinbefore provided, shall be made at the first regular meeting of the common council in September of each year.

Vacancies in election board, how filled.

SECTION 6. In case of the absence of one or more of the inspectors at any election the electors present at the polls and before the opening of the polls, may appoint an elector of such ward to act as such inspector or inspectors, at such election, and in case of the absence of the clerk, the in-

spectors may appoint an elector of such ward to act as clerk at such election. The clerks and inspectors shall take and subscribe an oath in the same form and to the same effect, as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general election under the laws of this state. The clerks shall keep a list or lists of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election.

Elections to be conducted same as general elections.

SECTION 7. The common council of said city shall provide four ballot boxes, numbered one, two, three and four, to correspond with the wards aforesaid, to be used at all elections under this act.

Ballot boxes.

SECTION 8. All elections by the people shall be by ballot, on which the names of all persons voted for shall be written or printed, and when any alderman or supervisor to represent the said several wards of said city, in the common council, or in the county board of supervisors, are to be elected at any election, the ballot shall designate the number of the ward from which such alderman or supervisor is to be elected. At each annual election the inspectors of election shall cause four poll lists to be made, and numbered one, two, three and four, to correspond with the wards hereinbefore provided for. Every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election, who has charge of the poll list of the ward in which he resides, shall enter his name on the list, numbered so as to correspond with the number of the ward of which said person is a resident. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for alderman or supervisor, resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by the inspectors and clerks, and the

Elections, how conducted.

Ballots, how counted.

each ward of said city. If notice be given by newspaper publication as aforesaid, the city clerk shall file a copy of the paper containing such notice in his office; if given by posting notices as aforesaid, the city clerk shall attach to the original notice his certificate, stating the time of posting notices, and number posted in each ward, and the places of posting the same, and file such original notice with such certificate attached in his office. In all other respects such election shall be conducted as is prescribed by the general law of the state; provided, however, that the failure to give such notice shall in no way invalidate such election.

Who are legal voters.

SECTION 2. All persons qualified to vote at general elections for state officers, and who shall have been residents of said city for at least ten days next preceding any election, shall be legal voters for any officers required to be elected by this act, and if any person's right to vote be challenged, or if the inspectors of election shall have reason to believe that any person presenting himself to vote does not possess the qualification of an elector under this act, the inspectors shall decide upon the challenge, or upon the qualifications of the person as an elector, in the same manner as is required by law at general elections.

Judges and inspectors of elections.

SECTION 3. Any one of the aldermen in each ward, together with two suitable persons, qualified electors of said ward, appointed by the common council of said city, shall preside at and be the judges and inspectors of every election held under this act.

Clerks of election.

SECTION 4. The aldermen of each ward shall appoint one suitable person clerk of election for such wards; the person so appointed must be a qualified elector of said ward, and shall be the clerk of every election held under this act.

Appointments, when to be made.

SECTION 5. The appointment of the inspectors and clerks of election, as hereinbefore provided, shall be made at the first regular meeting of the common council in September of each year.

Vacancies in election board, how filled.

SECTION 6. In case of the absence of one or more of the inspectors at any election the electors present at the polls and before the opening of the polls, may appoint an elector of such ward to act as such inspector or inspectors, at such election, and in case of the absence of the clerk, the in-

spectors may appoint an elector of such ward to act as clerk at such election. The clerks and inspectors shall take and subscribe an oath in the same form and to the same effect, as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general election under the laws of this state. The clerks shall keep a list or lists of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election.

Elections to be conducted same as general elections.

SECTION 7. The common council of said city shall provide four ballot boxes, numbered one, two, three and four, to correspond with the wards aforesaid, to be used at all elections under this act.

Ballot boxes.

SECTION 8. All elections by the people shall be by ballot, on which the names of all persons voted for shall be written or printed, and when any alderman or supervisor to represent the said several wards of said city, in the common council, or in the county board of supervisors, are to be elected at any election, the ballot shall designate the number of the ward from which such alderman or supervisor is to be elected. At each annual election the inspectors of election shall cause four poll lists to be made, and numbered one, two, three and four, to correspond with the wards hereinbefore provided for. Every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election, who has charge of the poll list of the ward in which he resides, shall enter his name on the list, numbered so as to correspond with the number of the ward of which said person is a resident. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for alderman or supervisor, resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by the inspectors and clerks, and the

Elections, how conducted.

Ballots, how counted.

person named on the ballots in any box, for alderman, and the one named thereon for supervisor, who shall have received a plurality of all the votes cast by the electors of the ward, corresponding in numbers with the box, shall be declared elected alderman and supervisor of such ward, and the persons who shall receive a plurality of all the votes of the electors of said city for the offices of mayor, assessor, police justice, constable and city treasurer, shall be declared elected to such offices respectively, and the persons who shall receive a plurality of all the votes of the electors of said city, for the office of justice of the peace, shall be declared elected. When two or more candidates for an elective office shall receive the highest and an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, and at such time and in such manner as the common council shall direct.

Penalty for illegal voting.

SECTION 9. If a person who is not a qualified voter of said city, shall, willfully and knowingly vote at any election, or if any person duly qualified shall willfully and knowingly give his name as belonging to a ward in which he does not reside and shall willingly and knowingly deposit or cause to be deposited his ballot in a box not corresponding in number to the ward in which he resides, or if any person shall vote more than once at any election, he shall forfeit and pay a sum not exceeding fifty dollars ($50.00) and not less than twenty-five dollars ($25.00), to be recovered in the same manner as other fines and penalties are recovered under this act, and shall also incur all the pains and penalties provided by any general law of this state for illegal or fraudulent voting.

Penalty for election officer.

If any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk, shall willfully omit to write down the names of every voter as he votes, or shall willfully make untrue or incorrect counts or tallies of votes, such inspector or clerk shall be liable to indictment or punishment by information, and on conviction thereof, shall forfeit and pay a sum not exceeding five hundred dollars ($500.00) or less than one hundred dollars ($100.00).

SECTION 10. When the polls of election shall

have been closed, the inspectors, without adjournment, shall canvass the votes received at any election under this act, and under their hands make a written statement of the result of such election, and attach thereto the oaths of the inspectors and clerks, and the four poll lists kept at such elections, and shall cause the same to be filed in the city clerk's office within twenty-four hours after closing the polls. Within forty-eight hours after each and every election under this act, the inspectors of such election shall meet at the council room in said city; canvass said returns and make a written statement of the results of such election, and the said statement shall be recorded in the records of said city by the city clerk; and the said statement shall be *prima facie* evidence in all courts and before all tribunals of the statements therein contained Immediately after filing such statement, the city clerk shall make out and deliver to each person who appears by such statement, to have been elected to any office, a certificate of election under his hand and seal of said city. Canvass of votes and returns.

SECTION 11. At the election held under this act, on the first Tuesday in April in the year 1891, two justices of the peace shall be elected for the city at large, one to serve for one year and one to serve for two years, to be determined by the words, "for one year," after the name of one justice of the peace voted for, and the words, "for two years," after the name of the other justice of the peace voted for, and thereafter at each annual election, one justice of the peace shall be elected to serve for two years. Justices of the peace.

SECTION 12. Special elections, to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as prescribed. Special elections.

CHAPTER IV.

VACANCIES.

SECTION 1. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neg- Office, when deemed vacant.

lect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein provided.

Vacancies, how filled.

SECTION 2. Whenever a vacancy shall occur in the office of mayor, police justice, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof, for the unexpired term, and with the same right, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

CHAPTER V.

OFFICERS AND THEIR POWERS AND DUTIES.

Manner of qualifying as city officer.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace and police justices, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed by the constitution, and file the same, duly certified by the officer taking the same, with the city clerk, and the marshal, constables and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Sparta, a bond with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, liabilities or exemptions, and said bond shall contain such penal sum and such conditions as the council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount, over and above all debts, liabilities or exemptions, and

Treasurer's bond.

the aggregate of such shall at least exceed the penal sum specified in such bond. The council may from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace and police justice shall qualify in the same manner as in towns, except that their bonds shall be approved by the mayor of the city.

The mayor; his powers and duties.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police force of the city; and in case of riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and appoint some one to fill the vacancy, but such removal and appointment shall be subject to the ratification or approval of a majority of the common council. The mayor shall have a vote in the council only in case of a tie.

To appoint standing committees.

SECTION 3. The mayor, at the first regular meeting of the common council in each year, shall appoint standing committees as follows: On streets and sidewalks, on bridges, on accounts, on finances and taxation, on ordinances, on fire department and public buildings and grounds, from the common council; and also a board of health and fire wardens from the members of the common council or otherwise, and such other committees as the ordinances of said city or common council may determine.

President of council; his powers and duties

SECTION 4 At the first meeting of the common council, after its election in each year, it shall proceed to elect, by ballot, one of its members president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any

reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its number a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them, shall have the same force and validity as if performed by the mayor, but the president of the council or temporary presiding officer as acting mayor, shall sign no warrant or other proceeding whatever, which the mayor theretofore has refused to sign.

City clerk; his powers and duties.

SECTION 5. The clerk shall keep the corporate seal, and all papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as if the originals were produced; he shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose, and perform all necessary acts required of town clerks. Whenever the clerk and his deputy shall be absent from any meeting, the common council may appoint a clerk *pro tem*, who for the time being, shall be vested with the powers and duties of the clerk. The city clerk shall have power and authority to admister oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

Treasurer; his powers and duties.

SECTION 6. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. He shall receive all moneys belonging to the city, and keep an ac-

curate and detailed account thereof, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. He shall report to the common council, as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers of towns.

City marshal; his powers and duties.

SECTION 7. The city marshal shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve all writs and processes in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city, or laws of this state, and forthwith bring such person before competent authority for examination, and for such services he shall receive such fees as are allowed by law constables for like services. He shall do and perform all such duties as may lawfully be enjoined on him by the mayor, common council or ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. The marshal shall be appointed by the common council as soon as it shall organize, and it may at the time of his appointment, or afterwards, allow him such further compensation than above described, as it may deem prudent.

City attorney; his powers and duties.

SECTION 8. The common council may, at its first meeting, elect a city attorney to conduct the law business of the corporation, but the council may omit such election, and when necessary,

provide or employ such an attorney or counsel as it may desire. The city attorney, if there be one, shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all cases to which the city may be a party in any court, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any member or committee of the common council. It shall also be the duty of the city attorney, when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

Additional duties may be required of officers.

SECTION 9. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by it, where the compensation is not fixed by the statute or this charter. The council shall at least ten days before the annual charter election in each year, fix by resolution the salary which shall be paid to the clerk and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council.

Salaries of clerk and assessor.

Penalty for failure of outgoing officer to deliver books, etc., to successor.

SECTION 10. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars ($100), besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such

books, papers and effects in the manner prescribed by the laws of this state.

Mayor or aldermen not to be interested in contract with city.

SECTION 11. No mayor or alderman shall be a party to, or interested in, any job or contract with the city, and any contract in which they, or either of them, may be so interested, shall be null and void, and in case any money shall have been paid on any such contract or job, the common council may sue for and recover the amount so paid from the parties to such contract, and the mayor or aldermen interested in the same, or either or any of them.

Officers of the peace.

SECTION 12. The mayor or acting mayor, and each and every alderman, justice of the peace, police justice, marshal, constable and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders and other citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of five dollars ($5); and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Fines, penalties and forfeitures, how collected and disposed of. Reports of justices of the peace.

SECTION 13. All actions brought to recover any penalty or forfeiture under this chapter or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases, shall be paid over to the city treasurer. Each justice of the peace and police justice shall report to the common council on the first Monday in January, April, July and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

Resignations.

SECTION 14. Any officer may resign his office by filing his written resignation with the clerk, and such resignation shall take effect, and his office shall be deemed vacant, from the time such

resignation shall be accepted by the common council.

Bonds to city, officers not to be sureties.

SECTION 15. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved, as by this act provided.

CHAPTER VI.

THE COMMON COUNCIL, ITS POWERS AND DUTIES.

The common council; how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and the common council of the city of Sparta do ordain." The common council shall hold its first annual meeting each year on the third Monday in April, and thereafter stated meetings upon the first Monday of each and every month during the year. A majority of the aldermen shall constitute a quorum.

Special meetings, how called; shall be judge of election and qualification of members, etc.

SECTION 2. The common council shall hold special meetings by order of the mayor or written request of two aldermen, by notice to each of the members, to be served personally, or left at their usual places of business or abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine, by a vote of two thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two-thirds of its members, may expel any member for cause.

Powers of the common council.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city; and shall likewise in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for

the prevention of crime, and for the benefit of trade, commerce and health thereof, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by laws, and such ordinances, rules and by laws are hereby declared to be and to have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution, or by-laws:

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and may grant licenses for and regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same, provided, that the sum to be paid for any license for selling spirituous, vinous or fermented liquors to be drank on the premises, and the sum to be paid for any license for selling spirituous, vinous or fermented liquors not to be drank on the premises, shall not be less than the minimum, nor greater than the maximum, sums to be paid for any such licenses as fixed by the general excise laws of the state of Wisconsin; and, provided further, that registered pharmacists doing business in said city as such, shall be granted permits for the sale of spirituous, vinous or fermented liquors in quantities less than one gallon for medical, mechanical or scientific purposes only, and not to be drank on the premises. The sum to be paid shall be as provided by the general laws of this state. No license for the sale of spirituous, vinous or fermented liquors granted under the provisions of this act shall be granted for a longer term or period than one year, to run from the first day of May in each year; provided, however, that when any such license shall be applied for after that date, the same may be granted to expire on the first day of May of each year, on the applicant paying *pro rata* therefore. Licenses.

Gaming.

2nd. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, or drinks, unless duly liscensed by the common council.

Riots, etc.

3rd. To prevent any riots, noise, disturbance, or disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses.

5th. To direct the location and management of slaughter houses and markets, and to regulate the storage, safe keeping and conveying of gunpowder or other combustible materials.

To prevent incumbering of streets and bridges.

6th To prevent the encumbering of streets, sidewalks, lanes, alleys and bridges, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, logs or any other material or substance whatever, and to prevent the loading and unloading of lumber, logs, shingle bolts or other material or substances, of whatever name or kind, upon the bridges in said city.

Horse racing and fast driving on streets.

7th. To prevent horse racing and immoderate riding or driving in the streets and upon any and all bridges, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Cattle running at large.

8th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Dogs.

9th. To prevent the running at large of dogs and to authorize the destruction of the same in a

summary manner, when at large contrary to the ordinances, and to provide for licensing the keeping of dogs in said city, at a rate of not less than one dollar and not more than three dollars for each dog, and to provide for a badge or a token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and to provide penalties and punish persons keeping unlicensed dogs.

Putrid carcasses and unwholesome substances, removal of.

10th. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins, of any kind, and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Omnibuses, hacks, etc., licenses for.

11th. To regulate, license and suppress omnibuses, hacks, cabs, drays, carts, and to regulate the charges of omnibus drivers, hackmen, cabmen, draymen and cartmen in the city.

Board of health to be organized.

12th. To establish and regulate a board or boards of health, to prescribe their duties, to confer upon the same all powers necessary to preserve the health of said city; and to provide for the enforcement of the orders and directions of any such board of health, and for the punishment of persons refusing or neglecting to comply with such orders or directions, or obstructing the execution thereof; provide hospital and cemetery grounds, regulate the burial of the dead, and compel all physicians or other persons cognizant of the death of any person to report the same with the cause thereof; to exempt public burial grounds from taxation, and by an affirmative vote of three-fourths of all the aldermen elect to license and permit the laying out, establishment and use, at any place whatever, within or near the limits of said city, of any cemetery or burial grounds, any thing in any law of this state to the contrary notwithstanding.

Bread.

13th. To regulate the size and weight of breads, and to provide for the seizure and forfeiture of breads baked contrary thereto.

Cattle not to be driven on sidewalks.

14th. To prevent all persons from riding or driving any horse, ox, mule cattle or other animals

on the sidewalks in said city, or in any manner doing any damage to such sidewalks.

Shooting of fire-arms and crackers.

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered, by the common council, dangerous to the city or any property therein, or annoying to the citizens thereof.

Drinking and drunkards.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing or punishing any person or persons who may be guilty of the same.

Runners and solicitors for stages, hotels, etc.

17th. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to make rules and ordinances for the government and regulation of the police of said city.

Markets.

18th. To establish public markets, and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Fuel, hay and lime.

20th. To regulate the place and manner of the weighing, measuring and selling of fuel, hay and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of snow, ice, etc. from sidewalks.

21st. To compel overseers or occupants of buildings or grounds to remove snow, ice, dirt, ashes or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health may direct; and on their default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owners or occupants.

To prevent spread of contagious or infectious diseases.

22nd. To regulate, control and prevent the landing or passing through said city, of persons from cars or stages, who are infected with contageous or infectious diseases or disorders, and to make such disposition of such persons and

their property as to preserve the health of said city.

23d. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers or transient dealers, or the payment of a license, or both, as the common council shall determine. Auctioneers and transient dealers, licenses for.

24th. To appoint or elect the city clerk, watchmen and policemen, and prescribe their duties. Appoint clerk, watchmen and policemen.

25th. To require and regulate the numbering of houses in said city, and to enforce by appropriate penalties any and all regulations made in relation thereto. Numbering of houses.

26th. To license and regulate bill posters, and to prevent the painting or posting of any device upon any building, fence or other structures without the consent of the owner thereof. Bill posters.

27th. To authorize the arrest, fine and imprisonment of vagrants and all persons not having visible means of support and without employment, idly loitering or rambling about, or staying in drinking saloons, houses of ill-fame, or houses of bad repute, or gambling houses; also those who shall be found trespassing in the night time upon private premises; also any person who shall disturb any concert, theater or other public entertainment or any place where public or private school is kept, either on week day or Sunday, or any place where religious worship is held. Vagrants.

28th. To regulate or prohibit the carrying or wearing by any person, any pistol, slung shot, knuckles, bowie knife, dirk, or any other dangerous weapon, and to provide for the confiscation and sale of such weapons. Carrying or wearing of dangerous weapons.

29th. To control, regulate or prohibit the use of steam whistles within the limits of the city. Steam whistles.

30th. To compel railroad companies to construct and keep in repair, street crossings and carriage ways authorized by law over their several tracks, and place and maintain flagmen at such street crossings in said city as shall be necessary, and during such hours of the day as the common council may designate; and to maintain Railway street crossings.

lights, and to erect, maintain and operate safety gates and other conveniences at such street crossings of their tracks as may be necessary. In any ordinance, resolution or by-law passed pursuant to this subdivision, said common council may provide for the punishment by fine and imprisonment, as in other cases, of any officer, agent or servant of such railroad company found guilty of a violation of such ordinances, resolutions or by-laws, and to provide for penalties against any such railroad company neglecting or refusing to comply therewith, such penalties to be sued for and recovered by action, as for debt, in the court of any justice of the peace for the city of Sparta, or in the circuit court of Monroe county.

Telegraph, telephone, etc., wires.

31st. To regulate, control and prohibit the location, use and management of telegraph, telephone, electric light and power wires and poles in said city.

Public pounds.

32d. To provide and maintain one or more pounds within said city; to appoint poundmasters, prescribe their powers and duties, and fix their compensation; to authorize the impounding of every beast or fowl found at large contrary to the ordinances of the city; to prescribe rates of charges for keeping and the charges to be paid by the owner or keeper of said beast or fowl impounded, and to authorize the sale of such beast or fowl for the payment of all charges and penalties incurred, in such manner as they may direct, and impose penalties for rescuing any beast or fowl impounded.

Expulsion and removal of members of council or its appointees.

SECTION 4. The common council shall have power, for due cause, to expel any of their number. The mayor shall have power to suspend the marshal or any other police officer or watchman appointed by the council, when complained of, or when in his judgment there is sufficient cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a three fourths vote of the aldermen-elect.

Council to elect city clerk.

SECTION 5. At the first regular meeting of the common council in each year, or as soon thereafter as may be, it shall elect a satisfactory person for city clerk.

SECTION 6. The power conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, or houses of ill-fame and houses of bad repute are hereby declared and shall be deemed a public or common nuisance. Nuisances.

SECTION 7. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such times as it may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties, in pursuance of this section, or shall willfully neglect or refuse to render his accounts, or present his moneys, books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council may order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments. Accounts of city officers to be examined, audited and adjusted by council.

CHAPTER VII.

ORDINANCES AND RESOLUTIONS.

SECTION 1. All laws, ordinances, regulations and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council, and all ordinances, before the same shall be in force shall be signed by the mayor, and shall be published once in a newspaper published in the city of Sparta before taking effect, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before the said laws, Ordinances and resolutions, how passed.

ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

When to take effect.

SECTION 2 No ordinance or resolution requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor, or acting mayor for the time being

Veto.

SECTION 3. The mayor shall have power to veto any ordinance, act or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by this charter, to consider such veto and objections; and in case the council shall not, within one week after the receipt of such objection or such filing with the clerk, reenact such ordinance or pass such resolution by the vote of five of the aldermen-elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

Reconsideration of votes.

SECTION 4. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Ordinances and regulations, how authenticated.

SECTION 5. A printed copy of an ordinance, by-law or regulation, passed by the common council and published in a newspaper, or in pamphlet or in book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

CHAPTER VIII.

STREETS, ALLEYS AND SIDEWALKS.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge or extend the same and to use the land in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in the city shall by petition represent to the common council that it is necessary to take certain lands within the city, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioner, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land, in case such owner or owners, shall reside in the county of Monroe, and to the occupant or occupants of such land, if any there be, which notice may be served personally or by leaving the same at the place of business or at the residence of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in a public newspaper printed in the city of Sparta, for four successive weeks, at least once in each week.

Street, alleys and public squares, how laid out.

Proceedings to take land for such purposes.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Monroe, or a court commissioner in and for said county, and if the latter, stating his name and residence, for the appointment of six jurors to

Notice of application for appointment of jurors; contents and service of.

view said premises and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so, to assess damages; but the officer to whom such application is made must not be an owner or otherwise interested in any of the lands proposed to be taken or used.

Appointment of jurors.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner, as the case may be, shall thereupon appoint as jurors, six reputable freeholders, residents of this city, and not interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within thirty days from the date thereof, to view such premises, to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take or use said premises for the purpose specified in such application.

Vacancies in jury.

SECTION 4. If any juror so appointed, shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or court commissioner shall appoint others in their place, and a memorandum of such substitution shall be endorsed on the precept.

Jury to view premises and take testimony.

SECTION 5. The said jurors, having taken the oath hereinafter provided for, shall, at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report of jurors.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take or use the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

SECTION 7. Should the jurors report that it

is necessary to take such premises, the common council shall, if it approves such report, enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited, such damages to the common council; and after the jurors shall have made their report as to the taking or use of any lands or premises under this act and the same have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above.

Council may confirm report and order jury to assess damages.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to remove.

Value of buildings on lands, how determined.

SECTION 9 At least ten day' spersonal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in said city for three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors to remove If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

Notice of determination of value of buildings, to be given; what to contain.

SECTION 10. If the owner refuse to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time

Building may be sold when, disposition of proceeds.

prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor; provided, it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Jury to appraise real estate.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments and to determine and appraise to the owner or owners, the value of the real estate so proposed to be taken or used, and the injury arising to them respectively, in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings [if the property of the owners of such lands], as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Damages to each person to be assessed separately.

SECTION 12. The jurors shall assess the damages to every person separately, so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names.

Damages awarded to person entitled to same less benefits.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate in it less than an estate in fee, to each person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively, from the proposed improvements.

SECTION 14. The award of the jurors shall be signed by them and returned, together with the

testimony taken, to the common council within the time limited in their order of appointment, and shall be final unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city.

Award to be signed and, with testimony taken returned to common council.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act shall not be appropriated until the damages awarded to the owner thereof shall be paid or tendered to the owner or his agent, or, in case said owner or agent cannot be found or is unknown, deposited to his or their credit, in some safe place of deposit, to be determined by the common council; and then and not before, such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Lands, when may be taken; payment or tender of payment of damages.

SECTION 16 When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance, shall be taxed or used by virtue of this act, all the covenants, contracts, engagements or liabilities relating to the same or any part thereof, shall, after the expiration of the time for appealing as hereinafter provided, respectively cease and be absolutely discharged.

Taking of incumbered land; effect of taking.

SECTION 17. When only part of the lot or tract of land, or other premises so under lease, or other contract or incumbrance, shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken or used, but shall remain valid as to the residue thereof; and the rents, considerations, liens and payments reserved, payable and to be paid for, in respect to the same, shall be so proportioned that the part thereof, justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for, or in respect to the same.

Same.

SECTION 18. The damages assessed on each separate lot or tract, shall be paid, tendered or

Damages to be paid or tendered within one year.

deposited as herein required, within one year from the confirmation of such assessments and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid, shall be void.

Proceedings when owner of land under legal disability.

SECTION 19. When any known owner of lands, or tenements affected by any proceedings under this act, shall be an infant or labor under disability, the judge of the circuit court of Monroe county, or the county judge may, upon the application of the common council, or by such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if it were the party interested.

Jurors to take oath, appointment, in place of jurors neglecting or refusing to serve.

SECTION 20. The jurors mentioned in this act, shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge or court commissioner shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeals from jurors' decision when and by whom may be taken.

SECTION 21. The city council or any party interested may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Monroe county from the decision of said jurors so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant, with the clerk of said county, within twenty days, above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party, other than the common council, shall file such notice of appeal, they shall, before the trial thereof, give a bond in such sum and with such sureties as shall be approved by said court, conditional to pay all costs of said appeal, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

Judgment of court to be attached to award.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or di-

minished upon the final determination of the appeal, the city clerk shall attach to said award, a copy of the final judgment therein, and such award shall be considered [as to such difference] amended thereby.

Survey and profile.

SECTION 23. Whenever any streets alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Vacation of streets and alleys.

SECTION 24. No street or alley, or part thereof shall be vacated, except upon the petition of the owners of three-fourths of the front upon such street or alley in the block, in, or along which, such street or alley runs, but the boundaries of streets may be changed upon petition to the council by the parties interested.

Not to apply to unplatted lands.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands, in the same manner as roads are laid out by supervisors in towns.

Survey of streets, alleys, etc., may be made; plats of same to be filed with city clerk and register of deeds.

SECTION 26. The common council may, at any time, cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, and may cause to be established such permanent landmarks as it may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Monroe. The surveys and landmarks, so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy in all courts in this state. The common council of said city is also hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be named as an

out lot, and shall be designated as such with a number placed thereon. The said plat, when completed, shall be certified to by the person making the same and shall be acknowledged before some officer authorized to take acknowledgments of deeds by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Monroe county.

Plat what to be known as; how designated on assessment and tax rolls; amendments to plat.

SECTION 27. The said plat shall be called and known as "assessor's" subdivision of lands in the city of Sparta, and for the purpose of assessment and taxation it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same as "out lot," with its number as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state, by reason of the non-payment of any tax hereafter assessed, shall be as valid and effective to pass the title to the lands therein described as it would be if same premises had been described by metes and bounds, and the said plats and records thereof shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated, named and numbered. In the making of said plat there shall be an accompanying descriptive list, which shall be recorded in the office of the register of deeds, and also in the city clerk's office. Each out lot given a number on said plat shall be described in said descriptive list with sufficient certainty to enable a surveyor to locate the same. Each tract of land which has a separate ownership known to the mayor and clerk, may be divided into two or more out lots, if deemed advisable in the making of said plat. Amendments may be made to the plat at any time by the mayor and clerk, by filing with the register of deeds a plat of the amendments and an accompanying descriptive list, which said descriptive list amending the plat shall also be filed with the city clerk, and be recorded by both the register of deeds and the city clerk. The map and descriptive list thus amending the plat, shall show in what manner any out lot or out lots is affected by the amendment. The major portion of any out lot which is altered by the amendment

shall retain the original number given to the out lot, and a new number shall be given to the tract that may be detached. In describing any piece or parcel of land by the assessor in making the assessment roll, or in any deed it shall not be necessary to refer to any amendments of the plat, but all such assessments or deeds wherein any parcel or tract of land is described as being according to the "assessor's plat," or "assessor's subdivision of lands," shall be construed and held to mean the "assessor's subdivision of lands" with its amendments, as it stood at the date of making such roll, deed or other instrument.

Grades of streets, alleys and sidewalks.

SECTION 28. The common council may at such time as it may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Monroe county, and should the grade, so established, be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street commissioner of the said city from ordering or causing to be done, the grading of any street to a temporary grade, to be established by such commissioner.

Grading, paving or macadamizing of streets.

SECTION 29. The common council may cause any street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and by the owners of at least one-half the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may order any part of any street, sidewalk or gutter previously built to be put in repair, or rebuilt when necessary, without petition.

Levy of tax for paving, etc.

SECTION 30. For the purpose of so improving any street or building, or repairing any sidewalk or gutter, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof a tax sufficient to pay the expense of constructing such improvement as ordered, opposite such property to the center of the street, or such proportion thereof, not less than half, as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed; in which case the remainder of such expense shall be paid from the city treasury. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

Tax list for street improvements to be delivered to street commissioner for collection.

SECTION 31. Whenever the common council shall levy any such tax as specified in the preceding section, it shall make out and deliver to the street commissioner of such city, a list of the persons and a description of the property taxed, together with a warrant, signed by the mayor and clerk, for the collection and expenditure of such tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, and shall specify in such notice a time or times, not less than twenty days, nor more than forty days from the date thereof, when the persons charged with taxes in such list, may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials; provided, the labor and materials offered in payment of such taxes are such as may be required by the said street commissioner, and done and furnished to his satisfaction.

Record to be kept by street commissioner.

SECTION 32. The street commissioner shall be provided with a book by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the amount paid in money or labor, and a correct account of all expenditures by him made as street

commissioner. The book containing the account so kept shall, at all times, when required, be furnished for the inspection of the mayor or common council, and ten days before the expiration of his term of office, shall be handed to the city clerk to be filed in his office for the inspection of the tax-payers of said city.

Commissioner to give city clerk list of delinquent taxes.

SECTION 33. At the expiration of forty days from the date of said notice given by said street commissioner, he shall make out and deliver to the city clerk, a certified list of the lots, pieces or parcels of land in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of such lots or parcels of land, and the said clerk shall add the said delinquent taxes to the next tax roll, opposite to the description of the proper lots, pieces or parcels of land therein, and such delinquent taxes shall be collected with and in the same manner as other taxes in said city.

Council may cause work done, if tax delinquent, and be reimbursed when tax collected.

SECTION 34. Whenever any lot, parcel or tract of land shall be returned delinquent for any such tax as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax when collected.

Time and manner of repairing sidewalks and gutters.

SECTION 35. Whenever a sidewalk or gutter shall become out of repair and so remain for the space of twenty-four hours after notice has been served upon the owner or occupant of any lot or piece of real estate in front of which such repairs are deemed necessary, the street commissioner shall be authorized, and it is hereby made his duty, under the direction of the street committee, to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the costs of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done verified by his oath, and shall deliver the same to the city clerk; and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Sparta, for payment, and if the owner of such lot, piece or parcel of land, shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the common council shall thereupon levy a special tax upon

said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks and gutters. In case the owner of such lot, piece or parcel of land does not reside in the city of Sparta, the said commissioner shall return said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

Form and manner of service of notice to repair.

SECTION 36. The notice required by section 35 of this chapter to be served upon the owner or occupant of any lot or piece of real estate, shall be a printed or written notice and shall state the nature of the repairs required and shall be served by the street commissioner by leaving with such owner or occupant a copy thereof, and said commissioner shall make return of such service to the city clerk, with his certificate setting forth the day and hour of such service. In case the owner of any such lot, piece or parcel of land does not reside in the city of Sparta, and the same is not occupied, the said commissioner shall post such notice upon such premises and return his certificate to the city clerk stating that fact

Ornamental trees.

SECTION 37. The common council shall have power to require the owner of any lot or parcel of ground in the city, to set out ornamental trees on the street or streets fronting on the same, and on default thereof to cause the same to be done, and to levy a special tax upon such lot or parcel of ground to pay the expense of the same.

CHAPTER IX.

FIRE DEPARTMENT.

Council may fix fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire-proof, shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of such fire-proof material, and in such a manner as they

may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of value thereof, and to prescribe the manner of ascertaining such damage.

May regulate building of chimneys, fire-places, etc.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city, to keep away from the vicinity of a fire, all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulation for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter, and the ordinances under it, by suitable penalties.

Fire engines and fire apparatus and organization of fire companies.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such company to be disbanded, and to prohibit their meetings as such when disbanded. Each company shall be officered and governed by their own by-laws; provided, such by-laws be not inconsistent with the laws of this state, or with the ordinances and regulations of the city. Each active member of any company in said city shall be exempt from serving on juries, and from poll tax and

military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for five years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

Tax for fire purposes.

SECTION 4. The common council shall have power to raise a tax each year, not exceeding two mills on the dollar of the taxable property within said city, for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the common council of said city, for fire purposes.

CHAPTER X.

SCHOOLS.

Joint school district not to be affected by act.

SECTION 1. The joint school district number one, of the towns of Sparta and Angelo, now embracing the city of Sparta and a part of the towns of Sparta and Angelo, shall not be affected by this act, and the management thereof shall remain the same as heretofore, except that the corporate name of said school district shall hereafter be school district number one of the city of Sparta; provided, that the common council of said city and the town board of said towns may alter said school district by setting off from it, the territory in said towns onto other school districts in said towns in the same manner that the common council of cities, the trustees of villages and the town boards of towns, may now alter school districts which lie partly in a city or village incorporated by special act, and partly in an adjoining town or towns, under the provisions of the revised statutes of 1878, and the amendments thereto.

CHAPTER XI.

AUDITING ACCOUNTS.

Accounts, how audited.

SECTION 1. No account or demand against the city, shall be paid until it has been audited and allowed, and an order drawn on the treasury

therefor. Every such account shall be made out by items, and verified by affidavit, indorsed or annexed, that the same is just, true and correct, and no part thereof paid—[or, if paid in part, except as therein stated], and that said account has not been presented before. When an account shall have been audited, the clerk shall indorse on each account, the word "allowed" or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the council, shall show to whom, and for what purpose every such account was allowed, and the amount. Every such account allowed in whole or in part, shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment therefor; and the clerk shall take receipts for such orders.

Borrowing of money by council or city officers.

SECTION 2. Neither the common council nor any officer of the city, shall issue, any time or negotiable order, or borrow any money except in the manner and for the purpose expressly declared by statute or this act; but the common council may, in temporary necesssity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one *per centum* of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury, payable at a future date, therefor, with or without interest; but no such order shall be made payable at a later date than the 1st day of March following the date of issue of such order, and for the payment of any such order, the city tax for the same year, or a sufficient amount thereof, shall stand irrevocably pledged.

Property of city and inhabitants exempt from levy under execution against city.

SECTION 3. No real or personal property of the city, or any of its inhabitants, or of any individual or corporation therein, shall be levied on or sold by virtue of any execution, issued to satisfy any judgment against said city.

When liable for injuries sustained by persons on defective streets, etc.

SECTION 4. Neither the said city, nor any officer within said city, shall be liable for any damage that may happen, by reason of any defect or insufficiency in any sidewalk, street, highway or

bridge in said city, unless the street commissioner or common council shall have first had actual notice of such defect or insufficiency, and reasonable time thereafter to repair the same or place the same in good order.

Claim for damages in tort, action to be presented to council within thirty days after occurrence of injury.

SECTION 5. No action in tort shall lie or be maintained against the city of Sparta, unless a statement in writing, signed by the person injured, or claiming to be injured, of the wrong and time, place and circumstances thereof, and amount of damages claimed shall be presented to the common council within thirty days after the occurring or happening of the tort alleged.

Physician for city may examine person injured before action may be begun.

SECTION 6. Action in tort for injury to the person, shall not lie or be maintained against said city, unless through notice and permission by the person claiming injury, the mayor or common council has been enabled by a physician of his or their appointment; to make personal examination of the alleged injury within thirty days after the time of its infliction, and until the amount of damages is adjusted, such examination may be repeated as often as required by the mayor or common council.

Claims against city must be presented to council before action can be maintained.

SECTION 7. No action shall hereafter be maintained by any person against the city of Sparta, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim or demand to the common council of said city.

Appeal from disallowance of claim by common council.

SECTION 8. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council, to the circuit court of Monroe county, by causing a written notice of such appeal to be served on the clerk of said city, within thirty days after the making of such decision, and executing a bond to such city, with sufficient surety, to be approved by said clerk, county judge, or court commissioner, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court.

Duty of city clerk on appeal.

SECTION 9. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by the ordinance or resolutions

of said common council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with its decisions thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Monroe and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the costs, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Disallowance of claim, when final, and a bar to action.

SECTION 10. The determination of the common council, disallowing, in whole or in part, any claim of any person, shall be final and conclusive and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken as hererinbefore provided, or the common council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim to it, duly presented, this chapter shall not be construed so as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER XII.

POLL TAX.

Poll tax.

SECTION 1. The common council of said city shall have, and it is hereby granted power to tax annually, each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents ($1.50), to be denominated a poll tax, and to be paid into the general fund of the city.

Collection of poll tax.

SECTION 2. On or before the 20th day of May in each year, the city clerk shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay such poll tax, with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the first day of June in each year, the board shall by order (to be signed by the mayor and clerk and annexed thereto) direct the same to be delivered forthwith to the treasurer for collection. The treasurer shall forthwith proceed to the collection of such tax, and shall demand the same once of each person named in the list, and if any person neglects to pay the same for two days thereafter, then such treasurer, shall, in the name of the city, sue for and collect such tax with fifty *per centum* damages on the same, with costs of suit, before a justice of the peace of such city, or police justice, and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort, and the first process in such action shall be by civil warrant, provided the council may, by resolution, cause the said poll list to be placed in the hands of the street commissioner to be collected, and the said street commissioner shall have the same authority to collect and receipt for such tax as the treasurer, and shall account for such taxes by him collected in the same manner as for other moneys coming into his hands by virtue of his office. And the treasurer or street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable, the same as if their names were originally placed in such lists.

CHAPTER XIII.

STREET COMMISSIONER AND HIS DUTIES.

Street commissioner, how chosen.

SECTION 1. The common council shall, at their first meeting for organization in each year, choose by ballot a street commissioner.

SECTION 2. Every street commissioner here-

after appointed by the common council, shall, before entering on the duties of his office, give a bond to the city of Sparta, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than fifteen hundred dollars ($1,500), conditioned to render an account to the common council whenever required by law or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city, that may come into his hands, to use, disburse or pay over, as required by law, or the ordinance of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office. Bond of street commissioner.

SECTION 3. Every street commissioner shall hold his office for the term of one year from the third Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, render an account, under oath, to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount that has been expended, specifying the work for which it has been expended. Such an account shall be rendered as often as the common council shall require. Term of office.

SECTION 4. The street commissioner shall receive such compensation as the common council shall fix upon for his services, which may be a *per diem* or an annual salary, as the common council shall determine, and his compensation shall be decided upon at the time of his election and shall not thereafter be changed except by unanimous vote of the council. Compensation

SECTION 5. The street commissioner shall hold his office for the term as stated in section 3, unless sooner removed by the common council for causes which may by a vote of five aldermen, declare his office vacant, after giving him due notice and an apportunity to be heard, and appoint his successor, who shall thereafter be entitled to all the emoluments, writs, records, books, papers, property and effects of every description in the hands of the person so removed. Removal of.

CHAPTER XIV.

FINANCES AND TAXATION.

Funds in treasury except school, state and county funds, under control of council.

SECTION 1. All funds in the city treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable, generally, out of any funds in the treasury, belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

Debts not to be contracted or orders drawn unless authorized by common council.

SECTION 2. No debt shall be contracted against the city or order be drawn on the city treasury unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council whenever the same shall be asked for by any one member, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing. The common council shall have power to and shall levy annually, at its first regular meeting in November in each year to defray the current expenses of said city, a sum sufficient for that purpose; provided, that the amount to be raised in any one year for the general city purposes, other than state, county and school taxes and interest on bonded indebtedness of said city, as authorized by law, shall not exceed three *per centum* of the taxable property in said city, as shown by the last assessment.

Forfeitures and penalties to be placed in general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a vote of six of the aldermen-elect.

SECTION 4. All property, real or personal, with-

in the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties, as are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors.

What property taxable; powers and duties of assessor.

SECTION 5. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns.

Assessors to be governed in performance of duties by same laws as assessors in towns.

SECTION 6. The mayor, clerk and assessor shall constitute the board of review, and shall meet at the chambers of the common council on the last Monday in June, in each year, and shall proceed in all respects as town boards are by law required to proceed.

Board of review, how constituted.

SECTION 7. The county board of supervisors shall have the right, and shall regard the city of Sparta as a town, in equalizing the assessment rolls of the several cities and towns in Monroe county, as provided by law, but in such equalization shall consider the assessment roll of said city, as an entire roll and shall not change the relative valuation of the different wards.

Equalization of assessments; board to regard city as a town.

SECTION 8. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law, in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk in the manner provided by law in relation to town or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Supervisors to levy tax without regarding division of city into wards.

SECTION 9. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and, all de-

Tax list, how made.

linquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land, or person named therein, which statement shall be called "the tax list of the city of Sparta," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be prima facie evidence of regularity of assessment and levy of tax.

SECTION 10. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Duplicate tax lists to be delivered to city treasurer.

SECTION 11. Immediately after making out the tax list aforesaid the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Treasurer to collect tax; fees.

SECTION 12. The city treasurer upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one *per cent.* fees upon all taxes paid to him before the tenth day of January, and three *per cent.* fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, which shall be in full for all services performed by said treasurer, under this act or the ordinances of this city.

SECTION 13. On or before the tenth day of Feb-

ruary in each year, unless the time be extended which may be in the same manner as is provided in section 1108, of chapter 49, of the revised statutes of 1878; provided, said extension shall not exceed forty-five days from said tenth day of February, the city treasurer shall make and return to the treasurer of Monroe county, a list of all lands, lots and personal property upon which taxes have not been paid; and shall also settle with and pay all moneys properly payable to said county treasurer, in like manner as now is, or may hereafter be required of town treasurers; and all the provisions of chapter 49, of the revised statutes of 1878, and acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax.

List of lands upon which taxes not paid to be returned to treasurer of Monroe county.

SECTION 14. The county treasurer shall sell all delinquent lands and lots returned from the city of Sparta, at the same time and in the same manner as other delinquent lands are sold in the county.

Sale of delinquent lands.

SECTION 15. All the directions hereby given, except in section 9 of this chapter, for the assessing of lands and the levying, collecting and return of taxes and assessments and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not effecting the substantial justice of the tax itself, shall vitiate or in any wise effect the validity of the tax or assessment.

Errors and informalities, not effecting substantial justice of tax itself to be disregarded.

SECTION 16. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised, and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Special taxes for fire-engines, cemetery grounds, public squares, etc., may be levied.

SECTION 17. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first reg-

If treasurer unable to pay city order he shall report fact to common council; duty of council thereon.

ular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

Order of disbursement of funds received from taxes.

SECTION 18. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner provided by law.

Investment of surplus funds.

SECTION 19. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use of other funds of the city, and all interests and profits arising from such investment, shall belong to the city, and shall be accounted for in the same manner as other funds are accounted for; provided, however, that the provisions of this section shall in no manner apply to the school fund, which shall be held by the treasurer as a separate fund and paid out only to the school district treasurer.

Special bridge tax may be levied.

SECTION 20. The common council may also, when occasion shall require, levy a special tax, not to exceed three mills on the dollar of the taxable property of said city, for the purpose of building or repairing bridges, such tax to be levied in the same manner and collected in the same way and at the same time as the general city taxes that year, and whenever the common council shall decide it necessary to build a new bridge in said city and shall order the same built, it is hereby authorized and empowered to borrow a sum of money not exceeding five thousand dollars ($5,000) in any one year, in anticipation of the taxes to be levied for that year for the purpose of building such bridge.

CHAPTER XV.

ACTION TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordi-

nances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinances, by-laws or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Actions to recover penalties how brought. Complaint, what to allege.

SECTION 2. In all prosecutions for any violation of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases, before justices of the peace under the general statutes of the state for the time being.

First process to be summons unless oath made for warrant.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

Form of summons.

County of Monroe, }
City of Sparta. } ss

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city of Sparta. You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, a justice of the peace in and for said city, at my office in said city, on the ..... day of ....., A. D., 18...., at ..... o'clock in the .....noon, to answer to the city of Sparta, to the damage of said city, two hundred dollars ($200) or under.

Given under my hand, this ..... day of ....., 18....

C. D.
(Title of officer.)

SECTION 4. Such summons shall be made returnable and served in the same manner as is now, or hereafter may be prescribed, by the laws of the state for the commencement of actions before justices of the peace, by summons; and all proceedings in the action, except as hereafter provided, shall be governed by the laws of the state, for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Service and return of summons.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

Form of complaint.

The city of Sparta against A. B., in justice court, before C. S., justice of the peace.

The plaintiff complains against defendant, for that the defendant, on the ..... day of ..... 18...., at the said city, did violate section ..... of chapter ..... of the act, or section .....of an ordinance, or by-law or regulation of said city (describing it by its title and stating cause of action), which said ..... is now in force. By reason of such violation, an action has accrued to the city of Sparta, to recover of the defendant, the sum of ..... dollars debt; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

Form of complaint for warrant.

City of Sparta, against A. B., before C. D., police justice of the city of Sparta, County of Monroe—ss.

E. F., being duly sworn on oath, complains to C. D., police justice in and for the city of Sparta, in said county, that A. B., on the .... day of .... 18...., at said city, did violate (section ...., of chapter ...., of this act, or section .... of an ordinance, or by-law, or regulation of said city, describing it by its title and stating offense), which said ...., is now in force, and prays that A. B., may be arrested and held to answer to said city of Sparta therefor.

Sworn to and subscribed before me, this ....day of ...., 18. ..

Said complaint shall be sworn to before the police justice, who shall issue the warrant thereon; upon the filing of such complaint with the police justice, before whom the same shall be sworn to, he shall issue a warrant substantially in the following form:

Form of warrant and proceeding on return of warrant.

State of Wisconsin }
City of Sparta, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Sparta, greeting:

Whereas, ... has this day complained to me in writing, on oath, that A. B., on the ....

day of ....., 18.., at said city, did violate (section ....., of chapter ....., of this act, or section ....., of an ordinance, or by-law, or regulation of said city, describing it by its title and stating offense), which said ..... is now in full force; therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Sparta, on the complaint aforesaid.

C. S.,
Police Justice.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court for his, her, or their appearance, in such sum as the court shall direct; or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the lock-up in such city, or to the common jail of Monroe county, and shall be received and kept therein the same as in criminal actions, except as modified by this act, or by the ordinances of said city. The complaint made as aforesaid, shall be the only complaint required; and the plea of not guilty shall put in issue all subject matter embraced in the action.

Attendance of witnesses; fees need not be first paid or tendered.

SECTION 7. Witnesses and jurors shall attend before the justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment

Jury trial may be had. Judgment upon finding.

SECTION 8. In city prosecutions, both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices' courts, and the findings of the court shall be "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which, the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execu-

tion as in cases of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Form of execution.

County of Monroe, } ss.
City of Sparta. }

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal or policeman of the city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Sparta, on the..... day of ....., 18.., recovered a judgment before the undersigned justice of the peace in and for said city, against ....., for the sum of ..... dollars, together with ..... dollars and ..... cents, costs of suit, for the violation of (section ..... of chapter ..... of this act, or section ..... of an ordinance or by-law, or regulation of said city, describing it by its title). You are hereby commanded to levy distress of the goods and chattels, of said .... (excepting such as the law exempts), and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents for this writ, and the same return to me within thirty days; and for want of such goods and chattels whereon to levy, to take the body of said..... ..... and him convey and deliver to the keeper of the common jail of Monroe county; and said keeper is hereby commanded to receive and keep in custody, in said jail, the said ...., for the term of ...., unless the said judgment together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this ..... day of....., 18..

C. D.,
(Title of officer.)

Commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

SECTION 9. Any defendant feeling aggrieved by the judgment of a justice of the peace in an action commenced under the provisions of this act, may appeal from such judgment in the manner provided by the general laws of this state. Such defendant shall, within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeals, when and by whom may be taken.

SECTION 10. Said appeal shall stand for trial by jury, unless a jury be waived, in the manner provided by law, in said circuit court, and the next term thereof, after the day of judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Appeal, when tried.

Notice of trial in circuit court need not be given on trial of appeal.

SECTION 11. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts and enforce the same by executions, as in actions of tort.

Judgment in circuit court.

SECTION 12. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Inhabitancy in city not a disqualification of judge, justice or juror.

SECTION 13. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk of said city so served, forthwith to inform the common council thereof, or to take such demand or

Suits against city, how commenced.

proceedings as by the ordinance or resolution of said council may be in such cases provided.

Fines and penalties to be paid into treasury for city's benefit.

SECTION 14. All penalties or forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

CHAPTER XVI.

MISCELLANEOUS PROVISIONS.

City to have use of Monroe county jail.

SECTION 1. The use of the jail of Monroe county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible, as in other cases.

Elections in town of Sparta may be held in city.

SECTION 2. The electors of the town of Sparta shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Sparta as they may determine, and the officers of said town of Sparta may transact all the town business, and keep all town records in said city, and with like effect as if held or done or kept in the town of Sparta.

City poor, how taken care of.

SECTION 3. The paupers of said city shall be removed to the poorhouse of the county of Monroe, by the county poor superintendents, in like manner as they are removed from the several towns in said county, and the present system for the care and control of the poor in said county, shall in no wise be interfered with or affected by this act.

Appropriations for public purposes. Limit.

SECTION 4. The common council shall have power to appropriate a sum not exceeding five hundred dollars ($500.00) to any public purpose that may be deemed proper, but no such appropriation shall be made, unless ordered by a three-fourths vote of all the aldermen-elect.

Plats of village of Sparta and additions, how described.

SECTION 5. The plats of the village of Sparta, and the additions thereto, are hereby adopted as the plats of the city of Sparta, and additions thereto, and the real estate included in said plats, may be hereafter described by lots and blocks as they appear on said plats as "the original plat of the village, now city of Sparta" or "the plat of

Bord's addition to the village, now the city of Sparta," and in like manner with plats of other additions or in any other manner so as to describe the land with reasonable certainty.

When elections not held at prescribed time, how held thereafter.

SECTION 6. If any election by the people or common council shall, for any case, not be held at the time or in the manner prescribed, or if the council shall fail to organize, as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances, by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed.

Jurisdiction of police justice; compensation.

SECTION 7. The police justice shall have sole and exclusive jurisdiction of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city, and in cases of contempt the police justice shall have the same powers and authority as justices of the peace. He may administer oaths and take acknowledgments the same as justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees, as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of the absence, inability or sickness of the police justice, the mayor, by warrant, may authorize any justice of the peace within the city to perform the duties of police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

Jurisdiction of police justice.

SECTION 8. The police justice shall have the same jurisdiction, power and authority as justices of the peace in this state, and is hereby authorized to hear and determine all cases arising under the laws of this state in the same manner and shall be subject to the same liabilities as justices of the peace, and his jurisdiction shall be co-extensive with the county of Monroe, and the jurisdiction of the justices of the peace of the city of

Sparta shall be co-extensive with the county of Monroe.

Prisoners in the city jail may be employed on streets, alleys, etc.

SECTION 9. If the mayor of the city shall, at any time, deem it for the interest of the city, he may employ and work the prisoners so committed outside of the jail or yard at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner, as in his judgment, will prevent their escape, and the keeper or custodian of the common jail of said county, shall upon the order of the mayor of said city deliver the prisoner or prisoners in such order named and described, to the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

Mayor and aldermen to receive no salary.

SECTION 10. No compensation or salary shall be paid to the mayor or any alderman of said city, except for services as inspectors of election and on board of review.

Contract for city work, how let; bids to be sealed and accompanied by a bond.

SECTION 11. All contracts for work ordered by the common council of said city, in which the amount thereof shall exceed the sum of five hundred dollars, shall be let to the lowest reasonable and responsible bidder, who shall have complied with the requirements hereinafter set forth. All bids and proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Sparta in the penal sum equal to the amount of the bid, which bond shall be signed by the bidder and by a responsible surety or sureties, who shall justify that he is worth the sum mentioned in such bond, over and above all his debts, liabilities and exemptions; such bond shall be conditioned, that such bidder will execute a contract at such time as the common council shall require, with satisfactory sureties, to perform the work specified; and in case of failure said bond may be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof, as liquidated damages, in any court having jurisdiction of the action.

Protection of bridges.

SECTION 12. The general laws for the preservation of bridges, and the punishment provided by

such laws for willful and malicious injuries done thereto, are hereby extended to and shall include all of the bridges in said city, and shall apply to any willful or malicious damage which may be done to them by any person or persons whatever; and the common council of said city may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties.

Meeting of common council.

SECTION 13. The common council shall meet on Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of the unfinished business, and shall not thereafter during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

General laws contrary hereto not to be considered as repealing this.

SECTION 14. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Directions herein only directory.

SECTION 15. All the foregoing directions given in this act shall be deemed only directory, and no errors, irregularity or informality in any of the proceedings under the provisions of this act, not effecting substantial justice, shall in any way affect the validity of the proceedings.

Public act and to be liberally construed.

SECTION 16. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state.

Repeals certain laws heretofore passed.

SECTION 17. Chapter 175 of the laws of Wisconsin for the year 1883, and chapter 80 of the laws of Wisconsin for the year 1885, and chapter 145 of the laws of Wisconsin for the year 1887, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1891.

No. 86, S.] [Published March 14, 1891.

CHAPTER 24.

AN ACT to amend chapter 163, of the general laws of this state for the year 1885, entitled "An act to amend chapter 4, of the laws of Wisconsin for the year 1883, entitled 'An act to incorporate the city of Black River Falls.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 163, laws of 1885.

SECTION 1. Chapter 163, of the laws of Wisconsin for the year 1885, entitled, "An act to amend chapter 4, of the laws of Wisconsin for the year 1883, entitled 'An act to incorporate the city of Black River Falls,'" is hereby amended so as to read as follows: Section 1. That all that district of country in the county of Jackson and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Black River Falls, and they who now or may hereafter inhabit said district, shall be a municipal corporation by the name of the city of Black River Falls, and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes of this state, and the laws amendatory thereof, and in addition thereto, shall have and possess the powers hereinafter granted, and the authorities thereof shall be capable of contracting with, suing or being sued, pleading or being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Black River Falls to be a municipal corporation.

BOUNDARIES AND WARDS.

Boundaries of city.

SECTION 2. All of section fifteen, the east half of the east half of section sixteen, the east half of the southeast quarter of section twenty-one, all that portion of section twenty-two lying and being north and west of the east and south bank of Black river, the west half, and the west half of the northeast quarter of section fourteen and all in township number twenty-one north, of range number four west, in Jackson county, Wisconsin,

shall be included within and constitute the territory comprising the city of Black River Falls.

SECTION 3. The said city shall be divided into five wards, viz: The east half of the northeast quarter, and the northeast quarter of the southeast quarter of section sixteen, and all that portion of section fifteen lying north of what is now known as Polk and Main streets in Black River Falls and west of a straight line passing through the center of what is now known as Second street in Black River Falls, north and south, and from thence to the north line of section fifteen shall constitute and be the First ward. The southeast quarter of the southeast quarter of section sixteen, the northeast quarter of the northeast quarter of section twenty one, and all that portion of section fifteen south of Polk street aforesaid and west of the center of what is known as Fourth street in Black River Falls, and continued south to the section line shall constitute the Second ward. The southeast quarter of the northeast quarter of section twenty-one, and all that portion of section twenty-two lying north and west of the south and east banks of Black river, and all that portion of section fifteen lying west of Black river and south of Main street aforesaid, and east of the center of Fourth street continued south to the section line, shall constitute the Third ward. All that part of said city located on sections fourteen and fifteen north of Main street and east of Second street and northwest of Black river shall constitute the Fourth ward. All of that portion of the territory of the city of Black River Falls, lying south and east of Black river shall constitute the Fifth ward.

Wards and their boundaries.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

SECTION 4. The corporate authority of the city shall be vested in one municipal officer, styled the mayor, and in one board of aldermen, consisting of one alderman from each ward of the city, which board shall be denominated the common council, together with such other officers as are provided for by this act.

Corporate authority where vested.

SECTION 5. The present officers of the city of Black River Falls shall hold their several offices until the election and qualification of their successors under the provisions of this act.

Present officers to hold until election and qualification of successors.

ELECTIONS.

Annual election when and where to be held.

SECTION 6. The annual election for city and ward officers shall be held on the first Tuesday of April in each year, at such place as the common council shall designate and provide, and the poll shall be kept open from 9 o'clock A. M. until 12 o'clock noon; and from 1 o'clock P. M. until sundown. The city clerk shall give at least ten days' notice of such election, pursuant to law, stating time and place of holding the same, the officers elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more newspapers published in said city of Black River Falls, and by posting the same in one or more public places in each ward of said city, and the city clerk shall file copies of the newspapers containing such notice, together with his affidavit of the publishing and posting of the same, but a failure to give notice as above specified shall not invalidate the election.

Notice.

Elective officers.

SECTION 7. The elective officers of the city shall be mayor, clerk, treasurer and assessor, two constables, two justices of the peace, elected by and for the city at large, an alderman from each ward, two supervisors at large. All other officers of said city shall be appointed by the mayor, by and with the consent of the common council.

Qualifications of and term of office of officers.

SECTION 8. The mayor, treasurer, assessor, clerk and aldermen shall be freeholders in said city, and all city and ward officers shall be qualified voters and residents of the city and in the ward for which they were elected or appointed; all elective officers shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified, except justices of the peace, who shall hold their respective offices for two years, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent, under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any appointed officer, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also

have power to fill any vacancy thus created, for the time being.

SECTION 9. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council within twenty days after such vacancy shall occur; any vacancy happening in any elective office shall be filled by the common council; the person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, except in case of justices of the peace, whose appointment shall continue only until the next charter election, when the vacancy shall be filled by an election. Vacancies, how filled.

SECTION 10. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in presence of the common council, at such time and in such manner as it shall direct. Elections to be by ballot; casting of lots in case of a tie vote.

SECTION 11. All persons entitled to vote for county and state officers and who shall be actual residents and inhabitants of the city for thirty days next preceding the election, and actual residents and inhabitants for ten days in the ward for which he offers his vote, next preceding said election, shall be entitled to vote for any city officer to be elected, or other question that may be submitted to the people for their vote. Who are qualified electors.

SECTION 12. The inspectors for city elections shall be as follows: The five aldermen and five clerks, one of which shall be the city clerk, and he shall be the clerk for the ward in which he lives, the other four clerks shall be one from each ward, and the legal number of ballot clerks to be appointed by the mayor at the first annual meeting, or as soon thereafter as may be, and which shall be confirmed by the common council, each of said clerks so appointed and confirmed to be the clerk of city elections for the ward in which he resides, and each of said aldermen shall be the inspector of city elections for the ward in which he lives. Inspectors of elections.

SECTION 13. All city elections for city officers shall be held at one place as shall be designated

City elections to be held at one place, and one ballot box to be used for each ward.

by the common council, and there shall be five ballot boxes, one for each ward, and on each box shall be printed in red the number of the ward for which said ballot box is to be used, each of said ballot boxes shall be divided into two separate apartments, in one of which apartments shall be deposited the votes of the electors for that ward, and in the other apartment shall be deposited the votes of such electors for other than city officers, whenever by law a separate ballot shall be required.

General elections to be held at place to be designated by common council.

SECTION 14. All general elections shall be held at such place as the common council may direct, and each ward shall constitute one election precinct; and the inspectors, clerks and ballot clerks, of said election, shall be appointed in accordance with the general law of this state.

Challenges, how made and determined, penalty for illegal voting.

SECTION 15. If any vote be challenged, or if the inspectors or any of them, at any election shall have reason to believe when any person presents himself to give his vote, that he does not possess the qualifications of an elector, the same oath as is required by law at general elections shall be administered to the person offering to vote, and the further statement in city elections that the deponent has for thirty days next preceding the election at which he offers his vote, resided in the city, and has for ten days next preceding said election resided in the ward for which he offers his vote. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act, shall be punished according to the laws of this state, made and provided for the punishment of illegal voting, fraud, deceit, or corruption at any election.

Candidate must be resident elector of city.

SECTION 16. No person shall be eligible to any office under this act unless he is at the time a resident elector of the city.

Count of votes and canvass of returns.

SECTION 17. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their election precinct for each and every officer, and the number of votes cast for each and every person, for each and every office, which shall be subscribed by the inspectors, and shall be forthwith delivered to the city clerk, and within one week after such election the council shall meet and canvass said

returns and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election; as soon as the votes are counted and canvassed by the inspectors they shall be destroyed, except as otherwise provided for in section 45 of the revised statutes.

Special elections to fill vacancies.

SECTION 18. Special elections to fill vacancies shall be held and conducted in the same manner, and the same returns thereof shall be made in the same form and manner as general or annual elections, and within such times as shall be prescribed by the common council.

If officer neglects or refuses to act, office deemed vacant; how filled

SECTION 19. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse one month after notice of his election or appointment to qualify, and shall neglect or refuse to enter upon the duties of his office at the commencement of his term of office, shall be deemed to have vacated his office; and when any officer from sickness or any other cause shall be unable to attend to the duties of his office, except such as shall by the constitution be required to be elected, said office may be filled by appointment during the time of such disability, but no longer; and the common council shall proceed to fill any such vacancy as herein provided.

Votes to be on one ballot.

SECTION 20. The votes for mayor, and all elective officers and all questions submitted to the people at the city election, shall be on one ballot and deposited in one ballot box.

Time of commencement and duration of term of office.

SECTION 21. The term of every officer elected under this act, except to fill a vacancy, shall commence on the first Monday of May, of the year for which and in which he was elected, and shall, except justices of the peace, continue for one year and until their successors are elected or appointed and qualified.

DUTIES OF OFFICERS.

Manner of qualifying as officers.

SECTION 22. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe the constitutional oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the

city, and the clerk, marshal, constable an such other officers as the common council ma direct, shall severally, before they enter upon th duties of their respective offices, execute to th city of Black River Falls, a bond with at leas two sureties, who shall each justify in th amount mentioned in said bond, and the con ditions in said bond shall be that the party wh is elected or appointed to such office, will faith fully discharge his duties as such officer, an will obey all rules, regulations and ordinances o said city, and will pay over to the city all mon eys that shall come into his hands by virtue o said office, belonging to said city, and that a the expiration of his term of office he will tur over to the city all property in his hands belong ing to said city. The treasurer shall, before en tering upon the duties of his office, execute to th city of Black River Falls, a bond with at leas two and not more than ten sureties, in the pena sum of not less than the amount of the last an nual city and school tax, and each surety sha swear that he is worth a certain sum over an above his debts, liabilities and and exemptions i property in this state, and the aggregate of suc amounts shall exceed the penal sum specified i the bond. The council may, from time to tim require new or additional bonds from the treasure or other officers of the city, and the council ma remove from office any officer refusing or neglec ing to give the same. Justices of the peace sha qualify in the same manner as in towns, excep their bonds shall be approved by the commo council of the city. All other bonds shall be ap proved by the common council, and when ap proved, filed with the city clerk.

Treasurer to give bond; council may require additional bond.

SECTION 23. The mayor shall take care tha the laws of the state and the ordinances of th city are duly observed and enforced, and that a other executive officers of the city discharge thei respective duties; he shall from time to time giv the council in writing such information, and re ommend such measures as he may deem advan ageous to the city. The mayor shall be the chie executive officer and head of the police of th city; and in case of a riot or other disturbanc he may appoint as many special or temporar constables as he may deem necessary. He sha

The mayor; his powers and duties.

also perform such other duties as may be required of him by the laws of this state and the ordinances of this city.

President of the council; his powers and duties.

SECTION 24. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number as president, who shall preside over the meetings of the common council, and during the absence or inability of the mayor, for any cause whatever, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the office of mayor, and in case the president shall be absent from any meeting of the common council, it shall elect a temporary presiding officer, who shall possess all of the powers and perform all the duties of the president of the council.

Appointive officers; their compensation to be fixed by council.

SECTION 25. The mayor shall nominate to the common council at their first annual meeting or as soon thereafter as may be, the following officers: City marshal, city attorney, street commissioner, and such other officers or agents of the city as are provided for by the charter and by-laws. All of said officers to hold their offices for the term for which the council were elected unless they sooner be removed for cause by the council The said council shall, by ordinance, fix the compensation or salary and prescribe the duties of said officers, which may be increased or modified from time to time by the council.

City clerk; his powers and duties.

SECTION 26. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiv-

ing therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Justices of the peace; their jurisdiction.

SECTION 27. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto shall have exclusive jurisdiction of all criminal cases arising within the city limits, and in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided, and said justices may hold their offices anywhere in said city, not otherwise prohibited by the laws of this state, and in case of change of venue for any cause whatever, the case shall be removed to the next nearest justice qualified by law to try the cause, and but one change of venue shall be granted in the same case for any cause whatever; provided, that in all cases where the justice has final jurisdiction, the parties in civil actions, and defendants in criminal actions, shall have the right to a trial by jury.

Constables; their powers and duties.

SECTION 28. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constable shall be approved by the common council and filed, with his oath of office, in the office of the city clerk.

City treasurer; his powers and duties; ineligible to a third term; salary.

SECTION 29. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and give the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant, signed by the mayor, by order of the common council and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out of the funds of the corporation in no other way whatever. He shall keep a jus

and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be open to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the common council a minute account of all his receipts and disbursements; said annual report shall be made and filed with the city clerk at least ten days before the annual election. The said treasurer shall be collector of taxes within the corporation, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. He shall in the same manner, before receiving the tax roll of the city, execute his bond to the treasurer of the county of Jackson, which bond shall be approved by the county treasurer, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city the said clerk shall deliver the tax roll of the city to him; and he shall proceed to collect the taxes as hereinafter provided. No person having been city treasurer for two years in succession shall be eligible to a re election, until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars *per annum*, and shall be payable quarterly.

Assessor; his powers and duties; salary.

SECTION 30. The assessor shall assess all the taxable property of the city of Black River Falls as required by law, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars for

the term for which he was elected, and whi shall be payable when the assessment roll completed.

Marshal; his powers and duties; deputies.

SECTION 31. The marshal shall possess all t powers of constables in towns, and be subject the same liabilities. It shall be his duty to ex cute and return all writs and processes to hi directed by the mayor, and when necessary, criminal cases, or for the violation of any or nance of said city, or laws of this state, may pu sue and serve the same in any part of the state Wisconsin. It shall be his duty to suppress riots, disturbances and breaches of the peace, apprehend any person in the act of committi any offense against any ordinance of said city, laws of this state, and forthwith bring such pe son before competent authority for examinatic and for such service he shall receive such fees are allowed to constables for like service. I shall do and perform all such duties as may la fully be enjoined on him by the ordinances of s city. He shall have the power to appoint one more deputies, to be approved by the council, b for whose official acts he shall be responsible, a of whom he may require a bond for the faith discharge of their duties.

City attorney; must be attorney of court of record.

SECTION 32. The city attorney shall be a pers duly admitted to practice in the courts of reco conformably to the laws of this state.

Street commissioner; his powers and duties.

SECTION 33. It shall be the duty of the str commissioner, within five days after his appoi ment and qualification, to inspect all the stre in the city, all sidewalks, crosswalks, ditches, g ters, culverts, and all bridges and approacl thereto, and all matters and things appertaini to the streets, and report in writing to the co mon council, recommending what, in his opini is necessary and ought to be done thereto. the receipt thereof the common council shall c sider the same, and may adopt the whole or a part thereof, add to, strike out, amend or char any part thereof, and as soon as they have pas upon said report and recommendations, the str commissioner shall be informed of the action b thereon, whereupon said street commissio shall cause such work to be done in accorda with the common council's amendments to report, and according to the orders and directi

of said common council. Any party or parties may petition the common council for any work or improvement that they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports in writing as the necessities of the case may require.

Further duties of street commissioner.

SECTION 34. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office that may be prescribed from time to time by the common council.

Accounts for street work and street commissioner's salary, how paid.

SECTION 35. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's service, shall be paid out of the general fund by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and, when they arose or were created under the directions of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may at its option let all or any of such street work, by contract, to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of the official year, or he shall be paid such sum *per annum* in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year.

Council may require additional duties of officers.

SECTION 36. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to ap-

point such other officers as may be necessary t carry into effect the provisions of this act, an to prescribe their duties and fix the compens tion of all officers elected or appointed by then such compensation shall be fixed by resolutic at the time the office is created, or at the con mencement of the year, and shall not be increase or diminished during the term such officer sha remain in office, or for which he is elected appointed.

Official newspaper.

SECTION 37. The common council at its fir meeting in each year, or as soon thereafter as ma be, shall designate one or more newspapers print in said city, in which shall be published all ord nances and other proceedings and matters requir by this act, or by the by-laws or ordinances of th common council, to be published in a public new paper. which printing or publishing shall l let by contract to the lowest bidder or bidders.

Proof of publication of ordinance, order or resolution.

SECTION 38. The city printer or printers, tw weeks after the publication of any notice or ord nance or resolution or by-law, which by this act required to be published, shall file with the cle of the city a copy of such publication, with his their affidavit or the affidavit of his or their for man, of the length of the time the same has bee published, and such affidavit shall be *prima fac* evidence of the publication of such notice, ord nance, by-law or resolution, and the clerk sha file the same in his office.

Retiring officer to deliver books, papers, etc., to successor.

SECTION 39. If any person having been an c ficer in said city shall not, within ten days aft notification and request by the city clerk or may deliver to his successor in office all propert books, papers and effects belonging to said cit or pertaining to the office he may have held, l shall forfeit and pay to the use of said city o hundred dollars, besides all damages caused his neglect or refusal so to deliver; and such su cessor may recover possession of such book papers and effects in the manner prescribed the laws of this state.

Alderman not to be party to or interested in job or contract with city.

SECTION 40. No alderman shall be a party to interested in any job or contract with the city any of the wards; and any contract in which a alderman may be so interested shall be null a void; and in case any money shall have been pa on any such contract, the common council ma

sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in the same.

Officers of the peace, who are; rank.

SECTION 41. The mayor or acting mayor, sheriff of Jackson county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Jackson county, and policeman, watchmen and constables of said city, shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens; and if any person, bystander or citizen, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars; and in case, when the civil power may be required to suppress riots or disorderly behavior, the superior officer present in the order mentioned in this section shall direct the proceedings.

City surveyor; his powers and duties.

SECTION 42. There may be appointed by the mayor, as provided by section 25, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office to his successor or the common council.

Reports of justices of the peace.

SECTION 43. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city; and said justices shall be entitled to receive from the county of Jackson such fees in similar cases as are allowed to other justices in the county for similar services.

city, and the clerk, marshal, constable and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Black River Falls, a bond with at least two sureties, who shall each justify in the amount mentioned in said bond, and the conditions in said bond shall be that the party who is elected or appointed to such office, will faithfully discharge his duties as such officer, and will obey all rules, regulations and ordinances of said city, and will pay over to the city all moneys that shall come into his hands by virtue of said office, belonging to said city, and that at the expiration of his term of office he will turn over to the city all property in his hands belonging to said city. The treasurer shall, before entering upon the duties of his office, execute to the city of Black River Falls, a bond with at least two and not more than ten sureties, in the penal sum of not less than the amount of the last annual city and school tax, and each surety shall swear that he is worth a certain sum over and above his debts, liabilities and and exemptions in property in this state, and the aggregate of such amounts shall exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except their bonds shall be approved by the common council of the city. All other bonds shall be approved by the common council, and when approved, filed with the city clerk.

Treasurer to give bond; council may require additional bond.

The mayor; his powers and duties.

SECTION 23. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the council in writing such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. He shall

also perform such other duties as may be required of him by the laws of this state and the ordinances of this city.

President of the council; his powers and duties.

SECTION 24. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number as president, who shall preside over the meetings of the common council, and during the absence or inability of the mayor, for any cause whatever, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the office of mayor, and in case the president shall be absent from any meeting of the common council, it shall elect a temporary presiding officer, who shall possess all of the powers and perform all the duties of the president of the council.

Appointive officers; their compensation to be fixed by council.

SECTION 25. The mayor shall nominate to the common council at their first annual meeting or as soon thereafter as may be, the following officers: City marshal, city attorney, street commissioner, and such other officers or agents of the city as are provided for by the charter and by-laws. All of said officers to hold their offices for the term for which the council were elected unless they sooner be removed for cause by the council The said council shall, by ordinance, fix the compensation or salary and prescribe the duties of said officers, which may be increased or modified from time to time by the council.

City clerk; his powers and duties.

SECTION 26. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiv-

ing therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Justices of the peace; their jurisdiction.

SECTION 27. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto shall have exclusive jurisdiction of all criminal cases arising within the city limits, and in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided, and said justices may hold their offices anywhere in said city, not otherwise prohibited by the laws of this state, and in case of change of venue for any cause whatever, the case shall be removed to the next nearest justice qualified by law to try the cause, and but one change of venue shall be granted in the same case for any cause whatever; provided, that in all cases where the justice has final jurisdiction, the parties in civil actions, and defendants in criminal actions, shall have the right to a trial by jury.

Constables; their powers and duties.

SECTION 28. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns. except the official bond of such constable shall be approved by the common council and filed, with his oath of office, in the office of the city clerk.

City treasurer; his powers and duties; ineligible to a third term; salary.

SECTION 29. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and give the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant, signed by the mayor, by order of the common council, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out of the funds of the corporation in no other way whatever. He shall keep a just

and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be open to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the common council a minute account of all his receipts and disbursements; said annual report shall be made and filed with the city clerk at least ten days before the annual election. The said treasurer shall be collector of taxes within the corporation, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. He shall in the same manner, before receiving the tax-roll of the city, execute his bond to the treasurer of the county of Jackson, which bond shall be approved by the county treasurer, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city the said clerk shall deliver the tax-roll of the city to him; and he shall proceed to collect the taxes as hereinafter provided. No person having been city treasurer for two years in succession shall be eligible to a re election, until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars *per annum*, and shall be payable quarterly.

Assessor; his powers and duties; salary.

SECTION 20. The assessor shall assess all the taxable property of the city of Black River Falls as required by law, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars for

the term for which he was elected, and which shall be payable when the assessment roll is completed.

Marshal; his powers and duties; deputies.

SECTION 31. The marshal shall possess all the powers of constables in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

City attorney; must be attorney of court of record.

SECTION 32. The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state.

Street commissioner; his powers and duties.

SECTION 33. It shall be the duty of the street commissioner, within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report in writing to the common council, recommending what, in his opinion, is necessary and ought to be done thereto. On the receipt thereof the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions

of said common council. Any party or parties may petition the common council for any work or improvement that they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may, at other times, make such other reports in writing as the necessities of the case may require.

Further duties of street commissioner.

SECTION 34. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office that may be prescribed from time to time by the common council.

Accounts for street work and street commissioner's salary, how paid.

SECTION 35. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's service, shall be paid out of the general fund by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and, when they arose or were created under the directions of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may at its option let all or any of such street work, by contract, to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of the official year, or he shall be paid such sum *per annum* in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year.

Council may require additional duties of officers.

SECTION 36. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to ap-

point such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Official newspaper.

SECTION 37. The common council at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Proof of publication of ordinance, order or resolution.

SECTION 38. The city printer or printers, two weeks after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of the time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Retiring officer to deliver books, papers, etc., to successor.

SECTION 39. If any person having been an officer in said city shall not, within ten days after notification and request by the city clerk or mayor, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Aldermen not to be party to or interested in job or contract with city.

SECTION 40. No alderman shall be a party to or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may

sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in the same.

Officers of the peace, who are; rank.

SECTION 41. The mayor or acting mayor, sheriff of Jackson county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Jackson county, and policeman, watchmen and constables of said city, shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens; and if any person, bystander or citizen, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars; and in case, when the civil power may be required to suppress riots or disorderly behavior, the superior officer present in the order mentioned in this section shall direct the proceedings.

City surveyor; his powers and duties.

SECTION 42. There may be appointed by the mayor, as provided by section 25, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office to his successor or the common council.

Reports of justices of the peace.

SECTION 43. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city; and said justices shall be entitled to receive from the county of Jackson such fees in similar cases as are allowed to other justices in the county for similar services.

THE COMMON COUNCIL; ITS GENERAL POWERS AND DUTIES.

Common council how constituted; style of ordinances.

SECTION 44. The aldermen shall constitute the common council, and shall not receive any compensation for their service as such; and the style of all ordinances shall be: "The common council of the city of Black River Falls do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

First annual and stated meetings; special meetings.

SECTION 45. The common council shall hold its first annual meeting in each year on the first Monday in May, and thereafter stated meetings at such times as it shall appoint; and the mayor may call special meetings by notice to each of the members, to be served personally or left at their places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Management and control of finances.

SECTION 46. The common council shall have the management and control of the finances, except school moneys, and all the other public property in the city; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof; and so enforce as it shall deem expendient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, which are hereby declared to be and have the force of law; provided that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance resolution or by-law:

Licenses.

1. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool

tables, bowling saloons, nine or ten pin alleys; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law, and shall grant or refuse to grant licenses to persons to sell, vend, deal or traffic in spirituous, vinous, malt or intoxicating liquors or drinks, within said city, as shall be decided and determined by the electors of said city at the annual election thereof. The question of granting or refusing to grant such licenses shall be submitted to and determined by the electors of said city at each annual election, without preliminary petition or order therefor; and shall be submitted to said electors upon the official or general ballot of said election in the following form: "For license" and "No license." If a majority of the votes upon said question shall be "For license," then the common council of said city shall grant licenses for the sale of strong, ardent, malt and intoxicating liquors and drinks in accordance with the laws of the state upon that subject; provided, however, that no such license shall be granted for a less sum than three hundred dollars; and if a majority of the votes upon said question shall be "No license," then the common council shall have no power or authority to grant licenses for the sale of intoxicating liquors and drinks in said city, except to druggists to sell for medicinal and mechanical purposes only, under such terms and conditions as the common council may prescribe.

Suppress gambling.

2 To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away for the purpose of evading the law, or dealing in spirituous fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

Prevent riots.

3. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming

Abate nuisances.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap fac

tory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and combustible material.

5. To direct the location and management of slaughter houses and markets, and regulate the storage, keeping and conveying of gunpowder or other combustible materials

Encumbering of streets.

6. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other material or substances whatever.

Fast riding or driving.

7. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Running at large of cattle.

8. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings.

Running at large of dogs.

9. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinances.

Muzzling of dogs.

10. To provide for the secure muzzling of dogs, and for the killing and destruction in a summary manner of all dogs not muzzled, found within the said city running at large.

Removal of putrid carcasses.

11. To prevent any person from bringing, depositing or having within said city, any putrid carcasses, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skin or substance of any kind, and, in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Public pounds, etc.

12. To make and establish public pounds, pumps, wells, cisterns and reservoirs, to erect lamps, and to regulate and license omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all

others who may pursue like occupation in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

13. To establish and regulate boards of health, provide hospitals, pest houses, and the return of bills of mortality, and to exempt burial grounds, set apart for public use, from taxation. Board of health, pest houses, etc.

14. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Size and weight of bread.

15. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. Driving of cattle on sidewalks.

16. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting of firearms and crackers.

17. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness or obscenity.

18. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of the city. Restrain runners for stages, public houses, etc.

19. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant. Removal of snow, etc., from sidewalks.

20. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same. Weighing and selling hay, fuel and lime.

21. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Contagious or infectious diseases.

22. To regulate the time, place and manner of the holding of public auctions or vendues. Auctions.

Watchmen.

23. To appoint watchmen and prescribe their duties.

Standard of weights and measures.

24. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Trees and monuments.

25. To protect trees and monuments in said city.

Highways, streets and alleys.

26. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Names of streets.

27. To alter or change any name of any street in the city.

Enact, amend, etc., ordinances, etc.

28. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance thereof.

Breweries, tanneries and packing houses.

29. To direct the location, and regulate and license breweries, tanneries and packing houses.

Preservation of fish in streams within city limits.

30. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also by ordinance or resolution prevent any deterioration of the said waters or by nuisance being cast therein by which the health of the inhabitants of the city or the purity of the waters shall be impaired, as it shall deem expedient.

Ordinances, etc., how passed and published.

SECTION 47. All ordinances and by-laws shall be passed by a majority of the common council and approved by the mayor if satisfactory to him; if not, he shall return the same to the common council, at its next session, with his written objections to the same, and if the said common council shall, upon reconsideration, pass the same by a two-thirds vote, the same shall be deemed passed without the approval of the mayor. All ordinances and by-laws shall be published in the official paper or papers of the city, together with the proof of the publication of the same, and recorded by the

city clerk in books to be provided for such purpose, before the same shall have any force or effect, and such record shall at all times be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of the majority of the members of the common council in its favor.

Nuisances.

SECTION 48. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to examine and audit accounts of city officers.

SECTION 49. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found de-

linquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

FINANCE AND TAXATION.

Funds, except school, state, county and sinking funds, to be under control of council.

SECTION 50. All funds in the treasury, except school, state and county funds, and sinking fund, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal and interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn.

Levy of tax to defray expense.

SECTION 51. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, its streets and sidewalks and fair grounds within the city, a tax sufficient for said purposes.

Issuing of bonds for purposes authorized by law; vote of electors thereon.

SECTION 52. The common council of said city shall have power to issue bonds or other evidence of debt, payable at a day subsequent to the date of the issue thereof, for any purpose authorized by law in any case when the electors of said city shall by a majority vote thereof, authorize the issuing of the same; provided, that said city shall not in any event or for any purpose, ever be bonded to exceed five *per cent.* of the taxable property of said city, as equalized by the equalizing board of said city.

Tax to build or repair bridges.

SECTION 53. The common council may, whenever it shall be necessary to build or repair any bridge in said city, or in case of floods or other causes, it shall become necessary to build or repair any public street or highway in said city they may levy a tax for such purpose or purposes, not exceeding two thousand dollars in any one y ear

and said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Tax to pay outstanding indebtedness.

SECTION 54. Taxes may be levied by the common council at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Black River Falls, and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with the provisions of this act, or by any authority of law. Said taxes when so levied shall be collected at the same time that other city taxes are collected.

Allowance of accounts against city.

SECTION 55. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Appeals from order of council disallowing claim.

SECTION 56. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Jackson, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision.

Duty of city clerk on appeals being taken.

SECTION 57. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with the decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Jackson, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be ren-

dered against appellant for the amount of such excess.

Claims to be first presented to council before suit brought.

SECTION 58. No action shall hereafter be maintained by any person or persons against the city of Black River Falls, upon any claim or demand, other than a city bond, coupon or order, unless such person or persons shall have first presented his claim to the common council of said city, nor until ten days after the next annual city election thereafter.

Disallowance of claim by council conclusive unless appeal taken.

SECTION 59. The determination of the common council, disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of any action, by said claimant against said city.

Private property may be taken for public use; manner of taking.

SECTION 60. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots and any lands for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house or any building in the construction of water works, or for flowing the same, for supplying the city with water or any other lawful municipal purpose, or for erecting hospitals or pest houses, for the prevention of contagious or infectious diseases within the city, for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof or by any act of the legislature; and may take the same, whether within or without the city, by conveyance from the owner upon a bargain, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare, by such resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately

each parcel thereof separately owened and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the attorney of said city, cannot be ascertained which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners or the owner or owners, the residence of whom cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city at least once each week, and by causing such notice to be mailed, post-paid to the address of such owners within five days from the time of the first publication of such notice, when the postoffice address of such owner is known.

Notice of application for jury to determine necessity for taking land; contents of and how served on owner or occupant.

SECTION 61. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of the said county of Jackson, for a jury to inquire and determine whether it is necessary to take the land or any part thereof, described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereinafter mentioned, and no other notice thereof shall be necessary.

Selection of jury.

SECTION 62. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state, shall appoint six

competent persons, having the qualification of jurors in and for the county of Jackson, and not residents of the ward in which such premises are situated, not interested in such application; but residents of the city, shall not be disqualified. The same rights of challenge peremptorily, or for favor or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have; and the judge shall decide the same in like manner, and replace the name of any juror successfully challenged, by the name of some other competent person, until a jury of six be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge, faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land, or any part thereof, mentioned in such resolution for the purpose therein specified,

Vacancies in jury list, how filled.

SECTION 63. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jury to view premises.

SECTION 64. The said jurors shall forthwith, under direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, whose testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Finding of jury.

SECTION 65. After having made such view and heard such testimony as shall have been produced, the said jury shall, under the direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such

resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Jackson county, together with a certificate by said judge, that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same, or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party, and the like steps shall be taken in the case of any further disagreement, until a verdict shall be found.

Action of council on finding of jury.

SECTION 66. Should the necessity for the taking of the premises or any part thereof mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken, by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court for Jackson county, briefly setting forth the fact that the necessity for taking such premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served

upon each owner in the cases when required, and in the manner provided in section 61 of this act.

Appointment of commissioners to appraise damages,

At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

Buildings on land to be valued by commissioners.

SECTION 67. If there should be any building standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Notice of appraisement of value of buildings to be given owner.

SECTION 68. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in the official paper for three successive weeks; and notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners and allow such building to be taken, with the lands appropriated, or their intention to remove such building, at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such time for this purpose as the common council shall allow.

Sale of building when owner refuses to accept award of commissioners.

SECTION 69. If the owner refuses to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited for him in the city treasury.

SECTION 70. The commissioners shall take and

subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time in their discretion. They shall cause notice to be given to each party interested of the time when, and the place where, they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be publisned in a newspaper as aforesaid for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment

Commissioners to qualify; notice of time of meeting to be given to parties interested.

SECTION 71. The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained, by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed improvement, for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections 68, 69, and

Duties of commissioners in appraising and determining value of property to be taken. Report to be filed with clerk of circuit court within twenty days.

70, the said commissioners shall include the value of such building as estimated by them, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

Lessees, judgment creditors or mortgagees to receive compensation in proportion to interest.

SECTION 72. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

Action of council on award of commissioners.

SECTION 73. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if they shall deem it expedient, by resolution or ordinance, order such improvement to be made, and the land which has been so found necessary to be taken therefor, to be taken and used; and in case the city shall be absolutely liable to the owner or owners, or parties entitled thereto for all compensation that may be established against said city therefor, and the council may also in that case make an assessment of the compensation to be paid therefor, with the costs of proceedings, or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement, in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may, by resolution, order all further proceedings to be discontinued.

SECTION 74. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, or be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court, the appeal shall be considered an action pending in court for trial there, as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury unless a trial by jury be waived by both parties; costs shall be allowed to the successful party, in accordance with the conditions of said bond.

Appeals from award may be taken by owner within twenty days.

SECTION 75. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the land so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the lands for the purposes for which it was condemned, and may obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance, to put its officers or agents into possession of the same. If such city be in possession or put in possession of such lands, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken; but if the city shall have appealed, such

Commissioners report to be recorded by clerk of circuit court; city to set apart amount awarded by commissioners, to use of person entitled to same.

money shall only be so withdrawn by leave of court upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to, or encumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding, or any person not a party, shall petition to the said court, setting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decision of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

Taking of land to work a discharge of covenants, contracts relating to same.

SECTION 76. When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

If only part taken, covenants etc., only discharged as to such part.

SECTION 77. When only a part of a lot or tract of land, or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements, respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents considerations and payments reserved, payable and to be paid for, and in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for in respect to the same.

If owner infant or labor under legal disability judge to appoint guardian ad litem.

SECTION 78. When any known owner of lands or tenants effected by any proceedings under this charter shall be an infant or labor under any disability, the judge before whom the proceedings are pending may, upon the application of the

council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

Amendments.

SECTION 79. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Survey and profile of new streets alleys, etc.

SECTION 80. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Vacating and changing name of street or alley.

SECTION 81. The council shall have the power to change the name of any street and to vacate any plat or portion thereof, that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper or papers for at least two weeks prior to the meeting of the council.

Streets and alleys, how laid out.

SECTION 82. Streets and alleys may be laid out through any lots or lands within the city by the common council in the same manner, subject to the same conditions, as highways are laid out by supervisors of towns under the general laws of the state.

Provisions of this chapter directory.

SECTION 83. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act, not effecting substantial justice, shall in any way effect the validity of the proceedings.

CITY IMPROVEMENTS.

Grading, paving, etc., of streets, alleys etc.

SECTION 84. The council shall have power to order and contract for the making, grading, paving,

as the same would have been chargeable with had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosesoever hands the same may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relevied in such manner as they shall by ordinance direct; provided, that, if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Board of equalization how composed.

SECTION 92. The city clerk, the assessor and one alderman from each ward shall constitute the board of equalization. Such board of equalization shall meet on the first Monday of July each and every year at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The president of the common council shall be president of the board of equalization and the city clerk the clerk thereof, and all changes made in said roll by said board shall be recorded by the clerk, and when finally completed the said assessment roll shall be filed with the city clerk.

Levy of tax by common council.

SECTION 93. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes authorized by law and by this act to be levied for general city purposes, for school purposes and for paying the city's indebtedness, due or to become due for the ensuing year; and shall, by resolution, levy the same; but no such resolution shall be adopted, except by a vote of two thirds of the members elect, which shall appear in the proceedings of the common council.

SECTION 94. All taxes and assessments, general

or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sales or transfers of such real property shall effect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property or real property.

Tax to be a lien on property on which levied.

SECTION 95. Before the annual meeting of the board of supervisors of the county of Jackson, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

Abstract of asessment roll to be filed with county clerk.

SECTION 96. The board of supervisors shall regard the city of Black River Falls, as a town, in equalizing the assessment of the several towns in said county, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll.

City to be regarded as a town in equalizing assessment.

SECTION 97. The said board of supervisors may levy a tax or taxes upon such city, as is now or may be provided by law hereinafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county said city shall be regarded as a town, except as herein otherwise provided.

Board of supervisors of county may levy tax on city.

SECTION 98. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of Black River

Tax list how made.

Falls, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list prima facie evidence of regularity of proceedings.

SECTION 99. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in the state, that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list, inclusive, has been done regularly and correctly as required by law.

Duplicate copy of tax list to be delivered to treasurer, with warrant.

SECTION 100. Immediately after making out the tax list as aforesaid, the clerk shall made out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the 10th day of December of the same year, deliver the same to the city treasurer, for collection, and make a record of such delivery on the tax list preserved in his office.

Notice of receipt of list and warrant to be given by treasurer.

SECTION 101. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice of four days in a newspaper published in the city, and by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

Collection of tax.

SECTION 102. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities, and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive five *per cent.* fees upon all taxes paid to him after the tenth day of January, which fees, when collected, shall be paid into the treasury of the city, for the benefit of the general fund.

State tax to be paid to county treasurer.

SECTION 103. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax apportioned to

said city of Black River Falls by the board of supervisors of said Jackson county.

SECTION 104. On or before the last Monday in January in each year, unless the time be extended as provided by law, the said treasurer shall make out a return to the treasurer of the county in which said laads may be, a list of all lands and lots upon which the taxes have not been paid and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now or may hereafter be required of town treasurers. The said treasurer shall also at the said time, make out and deliver to the said clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required by law upon delinquent returns from the several towns.

List of delinquent lands to be filed with county treasurer.

SECTION 105. The county treasurer shall sell all delinquent lands and lots returned from the city of Black River Falls, at the same time and in the same manner as other delinquent lands are sold in said county.

Sale of delinquent lands.

SECTION 106. All the directions hereby given, for the assessing of lands and assessing and levying collections and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise effect the validity of the tax or assessment.

Provisions of chapter directory.

SECTION 107. The common council shall have power to levy a tax or taxes to pay any and all judgments against the city.

Judgments against city, how paid.

SECTION 108 In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Treasurer may be removed for failure to perform duties.

SECTION 109. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collec-

Collection of personal taxes.

tion thereof, in the same manner as now is or may hereafter be prescribed by such law.

Poll tax.

SECTION 110. Every male inhabitant of the city of Black River Falls over twenty-one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each as a poll tax. It shall be the duty of the assessor of the city of Black River Falls to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday of July in each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Black River Falls. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Black River Falls. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section.

FIRE DEPARTMENT.

Fire limits may be fixed by common council.

SECTION 111. The common council for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fireproof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the re-

pairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

To regulate construction of chimneys, fire-places, etc.

SECTION 112. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

To purchase fire-engines and apparatus.

SECTION 113. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers except chief engineer and assistant engineer, who shall be appointed by the council, and form its

Formation of fire companies.

own by-laws, not inconsistent with the laws of the state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries, and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Fire wardens to be appointed.

SECTION 114. The mayor shall appoint two fire wardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting the same.

Officer at fire may arrest person refusing to obey lawful order.

SECTION 115. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally the marshal, constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack companies.

SECTION 116. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company either collectively or individually are hereby authorized and empowered to act as special police in and for the city of Black River Falls, and are hereby vested with all

the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Officers of fire companies.

SECTION 117 There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary and treasurer, who shall, on or before the first Monday in May in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Treasurer of fire department: duties.

SECTION 118. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said fire department, in such penal sum as may be required, and with sureties to be approved by the foreman of the fire department; such moneys shall only be paid out on orders signed by such foreman, and countersigned by the clerk of said department

Record of members of fire department.

SECTION 119. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall for any cause, cease to be a

member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Jackson, a list of all members who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed, for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Tax for fire purposes.

SECTION 120. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes; the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes

Fire insurance companies to pay two per cent of premiums, to city treasurer for benefit of fire department

SECTION 121. All corporations, companies and associations not incorporated under the laws of this state, engaged in said city in effecting fire insurance, shall pay to the treasurer of the fire department at the rate of two *per cent.* upon the amount of all premiums which shall have been received, or shall have been agreed to be paid, for any insurance, effected or agreed to be effected, on any property in said city, by or with such corporations or associations respectively, in the manner and at the times as prescribed by the general laws of the state in relation thereto. The moneys so received shall be used and paid out for the purposes of said fire department.

Council may purchase stone crusher; prisoners may be employed in breaking stone.

SECTION 122. The common council shall have power to purchase a stone crusher and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the city. The council may, with the consent of the sheriff or the board of supervisors of Jackson county, deposit the stone when brought upon the grounds connected with the jail of said Jackson county, and may use in breaking said stone such labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city, on such terms as may be agreed upon between the city and the county of Jackson.

SECTION 123. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. It shall also have power to determine the lines on which the trees shall be set, the places where they are to be set, and the kind and size of the trees to be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal when they have hitherto been set out. It shall also have power to provide for and direct the trimming or shade trees to such proper proportions, and to do all other needful acts as to them shall seem just and proper to give this section proper effect.

Ornamental and shade trees.

SECTION 124. The common council may expend for the improvement of any highway or highways leading into said city not to exceed two thousand dollars in any one year to be expended under and by the direction of the common council.

Improvement of highways; limit of yearly expenditure for.

SECTION 125. The common council may expend for the improvement of the Jackson County Agricultural Society fair grounds in said city of Black River Falls, not to exceed one thousand dollars in any one year, to be expended under and by direction of the common council of said city.

Limit of yearly expenditure for improvement of Jackson county agricultural society fair grounds.

ACTION TO RECOVER PENALTIES, ETC.

SECTION 126. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and shall be on complaint substantially in the following form:

Form of complaint in action to recover penalties, etc.

State of Wisconsin,
Jackson County, } ss.
City of Black River Falls.

..... being duly sworn, complains on oath to the justice of the peace of the city of Black River

Falls, that ..... did, on the ..... day of ....., 18.., violate the ..... section of an ordinance, by-law or resolution (describing it by its title), which said ..... is now in force, as this complainant verily believes, and prays that ..... may be arrested and held to answer to the city of Black River Falls therefor.

Subscribed and sworn before me this .... day of ....., 18...

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing form of complaint; and said complaint may be sworn to before some judicial officer.

Form of warrant.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

State of Wisconsin,
County of Jackson, } ss.
City of Black River Falls.

To the sheriff or any constable of said county, or the marshal of the city of Black River Falls, greeting:

Whereas, ... has this day complained to me in writing, on oath, that .... did, on the ..... day of ..... 18.., violate the sections of an ordinance, by-law, regulation or law (describing it by its title), which said ..... is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ..... and bring him before the justice of the peace of said city, to answer to the said city of Black River Falls on the complaint aforesaid.

Given under my hand, this ..... day of...., 18..

....., Justice of the Peace.

Proceedings on return of warrant.

SECTION 127. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his or her appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Jack-

son county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

Proof of passage and publication of ordinance, etc.

SECTION 128. A printed copy of an ordinance, by-law or resolution passed by the common council and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined and upon trial in any court in this state.

Witnesses and jurors.

SECTION 129. Witnesses and jurors shall attend before the justice court in all city and criminal prosecutions, without the payment of fees in advance or the tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Judgment on finding of jury.

SECTION 130. In city prosecutions the finding of the court shall be "guilty" or "not guilty." If guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by law or regulation for which the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the cost of suit shall be taxed against the city; and in all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs the court shall enter a judgment that the defendant be imprisoned in the county jail of Jackson county for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment, or the court may, in its discretion, in case of the non-payment of such fine and costs as aforesaid, enter judgment that said defendant be imprisoned as aforesaid and

kept at hard labor for the benefit of the city of Black River Falls, in the said jail or upon the public streets or elsewhere, within said city, under the supervision of the city marshal, or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid, and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment, until the same shall be fully paid by such labor, at which time the judgment shall be satisfied, and the defendant discharged from custody.

Form of execution.

Such execution may be in the following form:

County of Jackson, }
City of Black River Falls. } ss.

The State of Wisconsin to the Sheriff or any Constable of said county, and to the keeper of the common jail of said county, greeting:

Whereas, The said city of Black River Falls, on the....day of...., 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against ..... for the sum of .... dollars and .... cents, costs of suit, for the violation of section .... of chapter .... of this act, or section.... of an ordinance or by-law or regulation of said city (describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said....., excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said ..... and him convey and deliver to the keeper of the common jail in Jackson county, and the said keeper is hereby commanded to receive, keep in custody in said jail, the said ..... for the term of .... unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this .... day of.... 18..

....., Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs. Form of commitment.

SECTION 131. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Jackson, in the same manner as is now provided by law, from judgment of justices of the peace in criminal cases. And when judgment is rendered against the city, the said city may appeal therefrom to the circuit court of Jackson county within the same time and manner as provided for appeals from justices' courts by the general laws. Appeals to circuit court.

SECTION 132. Said appeals shall stand for trial by jury unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party. Trials in circuit court on appeal.

SECTION 133. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort. Judgment in circuit court.

SECTION 134. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest. Inhabitancy in city not to disqualify judge or jury.

SECTION 135. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings Service on city, how made.

as by ordinance or resolution of said council may be in such case provided.

Disposition of fines and penalties collected.

SECTION 136. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

Fire apparatus, etc., exempt from levy under execution against city.

SECTION 137. All fire-engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Property of inhabitants not liable for debts of city.

SECTION 138. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or any judgment against said city.

Mayor shall have pardoning power.

SECTION 139. The mayor shall have the power to grant pardons or commutations, after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting with the reason therefor.

Collection of judgments against city.

SECTION 140. When a judgment shall be recovered against the city of Black River Falls, or against any city or ward officer in an action prosecuted by or against such officer in his name of office where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor.

MISCELLANEOUS PROVISIONS.

SECTION 141. All work for the city exceeding one hundred dollars in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Work to be let by contract to lowest bidder.

SECTION 142. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into; nor shall any compensation be paid to the mayor or aldermen for their services.

Compensation of officers, agents, etc.

SECTION 143. The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city for the information of the citizens.

Settlement of claims; publication of statement of receipts and expenditures.

SECTION 144. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Act to be liberally construed.

SECTION 145. Whenever the city clerk may be absent or incapacitated from performing the duties of his office, the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the persons so appointed shall be of full effect and legality.

In absence or disability of clerk, council may appoint person to discharge duties.

SECTION 146. The common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance, to change the boundaries of the said several wards of the city, and to make and establish new wards therein, whenever the common council may deem best; provided, that whenever the common council proceed to alter or change the boundaries of the said wards, or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective population and assessment as practicable.

Council may change boundaries of and establish new wards.

SECTION 147. Every member of the council of the city of Black River Falls who shall directly or indirectly, vote for himself, or knowingly to any other person, any sum of money for any pur-

Penalty for corruption in office.

pose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as a member of the board of equalization, or for extra work on committee; any member of the common council or any other city officer who shall be directly or indirectly, interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before any justice of the peace having jurisdiction, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars; or by imprisonment in the county jail for not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

Licenses, how issued.

SECTION 148. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed with the corporate seal of the city; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the people and directed by the common council, and the applicant shall have filed a receipt as aforesaid, together with the bonds as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Assignment of license.

SECTION 149. No assignee of any license shall be permitted to pursue the occupation or business

licensed, except by a vote of two-thirds of the common council.

SECTION 150. Any person who shall be guilty of drunkenness or immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places of the city of Black River Falls, shall be deemed guilty of a misdemeanor, and on conviction thereof before a justice of the peace of said city, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Jackson county not less than two days nor more than three months.

Drunkenness or disorderly conduct in streets or public places; penalty.

SECTION 151. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Appropriations.

SECTION 152. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Judgment not to be remitted or discharged except by two-thirds vote.

SECTION 153. The common council may at any time cause a new and accurate survey to be made of all the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of Jackson county.

Survey of streets, alleys, etc.

SECTION 154. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Same to be prima facie evidence of lines and boundaries.

SECTION 155. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration

Grade of streets, alleys and sidewalks.

of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street committee of the several wards of said city from ordering or causing to be done, the grading of any street within their ward to a temporary grade to be established by such committee.

City may purchase property.

SECTION 156. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

Sidewalks to be maintained out of general funds.

SECTION 157. No real or personal property shall be subject to special taxation for street or sidewalk purposes; but all streets and sidewalks are to be maintained out of the general funds of the city.

Leases how executed.

SECTION 158. When the city of Black River Falls deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Black River Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Execution of leeds.

SECTION 159. The mayor of the city is hereby authorized, when the common council shall by ordinance or resolution for that purpose describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Copy of ordinance to be attached.

SECTION 160. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, which said deed or lease and such copy so attached and record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

SECTION 161. If any election for city officers

shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be held at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed.

Elections not held at prescribed time may be held on subsequent day.

SECTION 162. All moneys collected by or paid to the city for or on account of any and all licenses whatsoever, shall, when received into the city treasury, become a part of the general fund of the city.

License money to be placed in general fund.

SECTION 163. The use of the jail of Jackson county, until otherwise provided, shall be granted to said city, on such terms as may be agreed upon between the mayor and chairman of the county board of supervisors, for the confinement of offenders; provided, that in all cases of final commitments on sentence for the violation of any law or ordinance of said city, the expense of maintaining said prisoners shall be borne in the same way as now provided by section 917, revised statues of 1878, for the prisoners committed from villages for violation of village ordinances, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the sheriff shall be responsible as in other cases.

Use of Jackson county jail.

SECTION 164. The city of Black River Falls shall be represented in the board of supervisors of Jackson county by three supervisors, two of whom shall be elected by the city at large and the third shall be the president of the common council of said city.

City how represented in county board of supervisors.

SECTION 165. The common council may, by unanimous vote thereof, remit any tax or special assessment, or any part thereof, whenever the same shall be manifestly illegal or unjust.

Council may remit tax when manifestly unjust.

SECTION 166. The citizens of the town of Albion shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Black River Falls as they may de-

Town meeting and elections of Albion may be held in city.

termine, and the officers of said town of Albion may transact all town business in said city and with the like effect as if held or done in the town of Albion.

Paupers of city.

SECTION 167. The paupers of said city shall be removed to the poor-house of the county of Jackson by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

City officer not to be surety on bond to city.

SECTION 168. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

Resignations from office.

SECTION 169. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Expulsions from city council.

SECTION 170. The common council may by a two thirds vote thereof, upon due notice and hearing, expel any member thereof, or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

No part of a road district.

SECTION 171. The city of Black River Falls shall constitute no part of a road district.

Personal property tax to be collected by city treasurer.

SECTION 172. No general law of this state contravening the provisions of this act shall be construed as repealing, annulling or modifying the same unless such purposes be expressly set forth in such law.

General law to control where no provision made herein.

SECTION 173. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same powers to collect said personal property tax as is now conferred by law upon county treasurers for the collection of personal property taxes.

General provisions of law to govern.

SECTION 174. In all matters arising under the provisions of this act, not particularly provided for by the provisions of this act, the same shall be governed by the general provisions of law on that subject.

Committees of council.

SECTION 175. The regular committees of the common council shall be as follows: On finance,

streets, ordinances, fire department, licenses, and claims, and shall be appointed by the mayor at the first meeting after the annual election, or as soon thereafter as convenient.

SECTION 176. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed two thousand dollars in any one year, to be expended under and by direction of the common council.

Limit of yearly expenditure for improvement of highways.

SECTION 177. The common council may expend for the improvement of the Jackson County Agricultural society fair grounds in said city of Black River Falls, not to exceed one thousand dollars in any one year, to be expended under and by direction of the common council of said city.

Same for fair grounds of Jackson County Agricultural Society.

SECTION 178. The cemetery grounds now owned by the city of Black River Falls, shall be controlled by the mayor and common council of said city, and they shall be empowered to purchase, in the name of said city, additional grounds for cemetery purposes, and all other property belonging to said city shall be under the control of the mayor and common council.

Cemetery grounds controlled by mayor and council.

SECTION 179. All that part of section 11, in township 21 north, of range 4 west, in Jackson county, on the east side of Black river and adjacent thereto, heretofore belonging to and forming a part of the territory of Black River Falls, is hereby attached to and shall hereafter form a part of the town of Brockway, in said county; and all that part of said section 11, on the west side of said river and adjacent thereto, which has heretofore formed a part of the territory of said city is hereby attached to and shall hereafter form a part of the town of Albion, in said county.

Detaching certain territory.

SECTION 180. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Repeals conflicting laws.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1891.

No. 255, S.] [Published March 19, 1891.

CHAPTER 25.

AN ACT to authorize the city of Fond du Lac to borrow money to build and equip school buildings in the city of Fond du Lac, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May issue bonds.

SECTION 1. The city of Fond du Lac is hereby authorized to issue its negotiable corporate bonds to the amount of not to exceed twenty thousand dollars, to be used for the purpose of providing means for the construction and equipment of new school buildings and acquiring sites and grounds therefor in said city. But such bonds shall not be issued until the proposition for their issue for said purpose shall have been submitted to a vote of the qualified electors of said city and adopted by a majority of the votes cast thereon.

Question to be submitted to vote of electors.

Must be issued pursuant to chapter 41, R. S., 1878.

SECTION 2. The bonds authorized by section one of this act shall be issued pursuant to chapter 41, of the revised statutes of Wisconsin and the several acts amendatory thereof, and all acts and proceedings provided for or required by said chapter and amendatory acts, shall be necessary and apply to the city of Fond du Lac and to said bonds, so far as the same are applicable to the issue and sale of bonds for such purposes by cities.

Proceeds of bonds to be kept a separate fund for purpose mentioned in sec. 1.

SECTION 3. The school bonds provided for in the first section of this act shall be sold and disposed of by the common council of said city and the proceeds thereof paid into the treasury of said city and said proceeds shall constitute a separate and distinct fund in the treasury, irrevocably pledged for the purposes stated in the first section of this act, and be paid out and applied exclusively for said purposes, and the said bonds shall not be sold or otherwise disposed of at a less rate than par, that is to say, for less than the principal of said bonds with the accrued interest.

SECTION 4. Section 21, of sub-chapter 10, of chapter 152 of the laws of 1883, is hereby amended

by adding thereto the following; "And bonds to provide means to be used in the construction and equipment of new school houses and acquiring sites and necessary grounds therefor," so that said section when amended shall read as follows: Section 21. No bonds of said city shall be issued in any event for any other purpose whatsoever, except for the readjustment or refunding of the bonds of said city now outstanding, or for readjusting or refunding such bonds as may be issued in any such readjustment or refunding, and bonds to provide means to be used in the construction and equipment of new school houses and acquiring sites and necessary grounds therefor.

Amends chapter 152, laws of 1883, being the charter of the city of Fond du Lac.

SECTION 5. None of the conditions or provisions of sections 16, 17, 18, 19 and 20 of sub-chapter 10, of chapter 152 of the laws of 1883, nor the acts or proceedings required or provided for, in and by said sections shall apply to the city or be necessary or applicable to the issuance, sale or exchange or other conditions of the bonds herein authorized.

None of the charter provisions referred to shall apply to bonds.

SECTION 6. Section 5, of sub-chapter 15, of chapter 152 of the laws of 1883, is hereby amended by adding a new sub-division as follows: 5th. To construct suitable new school buildings and equip the same, and buy school sites with necessary grounds therefor, but only by and with the consent and concurrence of the common council, and no greater amount shall be expended by the board of education in any year for the purposes authorized by this subdivision than shall have been previously appropriated by the common council for such purposes during such year.

Amends chapter 152 laws of 1883, being the charter of the city of Fond du Lac.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1891.

No. 187, A.] [Published March 14, 1891.

CHAPTER 36.

AN ACT to amend chapter 159, laws of 1885, entitled "An act to revise, codify and amend chapter 278, laws of 1874, entitled 'An act to incorporate the city of Shawano,'" and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 4, laws of 1885.

Justices of the peace, their jurisdiction.

SECTION 1. Section 15 of chapter 4, of chapter 159, laws of 1885, is hereby amended by adding thereto the words, "and they may hold their respective offices in any part or portion of said city of Shawano; provided, that no two of them shall hold their offices in the same room," so that said section, when amended, shall read as follows: Section 15. The justices of the peace elected under this act shall have the same jurisdiction, and perform all duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds shall be approved by a majority of the common council; and they may hold their respective offices in any part or portion of said city of Shawano; provided, that no two of them shall hold their offices in the same room.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 12, 1891.

No. 128, A.] [Published March 18, 1891.

CHAPTER 38.

AN ACT entitled, an act to amend chapter 260, of the laws of 1877, entitled "An act to revise, consolidate and amend the charter of the city of Stevens Point," approved May 17, 1858, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Amends chapter 260 laws of 1877 as amended.

SECTION 1. Section 12, of sub-chapter 11, of chapter 260, of the laws of 1877, as amended by section 8, of chapter 113, of the laws of 1889, is hereby amended so as to read as follows: Section 12. Whenever any work has been done under contract, as provided in this chapter, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lots or parcels of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon and which certificate shall bear interest at the rate of eight *per cent. per annum*, from its date until paid; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof or for any proceedings for the col-

Grading certificates, how issued and collected.

lection of the pay thereof; and further provided, that when any contract is let for doing any work herein specified, chargeable to the abutting real estate, lots or parcels of ground, such contract may provide that the amount so chargeable may be paid with certificates against the lots or parcels of ground as herein above specified, or in improvement bonds, or that payment may be made partly in certificates, and partly in cash or improvement bonds or both.

Amends chapter 260, laws of 1877.

SECTION 2. There is hereby added to said subchapter, 11, of chapter 260, of the laws of 1877, immediately after section 12 thereof the following seven new sections to-wit: Section 12 (a). As soon as the amount chargeable to the abutting real estate lots or parcels of land has been determined, whether it shall be before or after the completion of such contract and improvement, the common council may cause a notice to be published in the official paper of the city, substantially in the following form.

CITY IMPROVEMENT NOTICE.

Form of notice of improvement.

Notice is hereby given that a contract has been let (or is about to be let) for ..... (describe the work and street) and that the expense of said improvements, chargeable to the abutting land and real estate, has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate, lots or parcels of land, to pay the special assessments, and such bonds will be issued, covering all said assessments, except in case where the owner of the property shall file with the city clerk, within thirty days after the date thereof, a written notice that he elects to pay the special assessment on his property, describing the same, on presentation of the certificates.

Improvement bonds, how issued and what to contain.

SECTION 12 (b). After the expiration of thirty days the common council may issue improvement bonds covering all the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and city clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that

they are chargeable to particular property, and specifying the number and amount of said bonds.

SECTION 12 (c). Said bonds shall be semi-annual interest coupon bonds, payable at such time or times, at such place or places as the common council shall determine, and may be paid at any time within five years, but must be paid at or before the expiration of seven years from their date, and shall draw interest at a rate not exceeding six *per cent. per annum.* Form of bonds.

SECTION 12 (d). The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same together with a copy of such bonds, in his office. Statement of special assessments.

SECTION 12 (e). The city treasurer shall pay the interest on, and principal of said bonds as the same becomes due, and charge the amount to the proper funds. Payment of bonds.

SECTION 12 (f). In each year after the issuing of said bonds when the tax roll of the year is prepared, one-fifth of the special assessment on each lot or parcel of land or property covered by said bonds, with six *per cent.* interest on said special assessment then unpaid, shall be extended on the tax roll as a special tax on such property, and thereafter these taxes shall be treated in all respects as any other taxes, and, when collected, the same shall be credited to the funds against which payments on said bonds are charged. One-fifth of special assessment to be collected each year with interest.

SECTION 12 (g). No action shall be maintained to avoid any special assessment, or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and such bonds shall be conclusive proof of the facts and of the legality of all the proceedings on which the same are based. Action not to be maintained to avoid special assessment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1891.

No. 338, A.] [Published March 24, 1891.

CHAPTER 40.

AN ACT to amend and revise chapter 313, of the laws of 1876, entitled, "An act to revise, consolidate and amend the charter of the city of Racine," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 313, laws of 1876.

SECTION 1. Chapter 313, of the laws of 1876, known as the "Charter of the city of Racine," and the several acts amendatory thereof are hereby amended and revised to read as follows:

TITLE I.

BOUNDARIES.

Boundaries of city.

SECTION 1. The territory included within the following boundaries and limits shall constitute the "City of Racine," to-wit: Beginning at a point three miles due east from the northeast corner of the fractional southeast quarter of section number four, in township three north, of range number twenty-three east, in the county of Racine, running thence west along the quarter lines of sections four and five to the north and south quarter line of section five; thence due south along the quarter lines of sections five and eight, to the north line of section seventeen; thence west along the north line of section seventeen to the west line of section seventeen; thence south along the west line of sections seventeen and twenty, to the southwest corner of the northwest quarter of section number twenty in said township number three and range number twenty-three, and thence along the quarter section lines of sections twenty and twenty-one, to Lake Michigan; thence easterly to a point three miles due east, and thence northerly to the place of beginning.

SECTION 2. The said city shall be divided into wards, and the number and boundaries shall be as follows, until altered by the common council: Wards and their boundaries.

The First ward shall embrace all the territory south and east of the center line of Root river and north of the center line of Seventh street and east of the center of Park avenue. First ward.

The Second ward shall embrace the territory bounded as follows: Commence at the intersection of the continuation of the center line of Seventh street with the east boundary line of the city; run thence west along the center of Seventh street to its intersection with College avenue; thence south along the center line of College avenue to the south line of section sixteen; thence west along said south line to the northwest corner of the east half of the northwest quarter of section twenty-one; thence south to the city limits, and thence east to the east boundary line of the city, and thence north to the place of beginning. Second ward.

The Third ward shall embrace all the territory situated within the following boundaries: Commencing at the intersection of the center line of College avenue with the south line of section sixteen, run thence west on the south line of said section to its intersection with the center line of Center street; thence north along the center line of Center street to the center of Root river; thence easterly along the center of said river to the intersection with the center line of Park avenue; run thence southerly along the center of Park avenue to the center of Seventh street; run thence east along the center of Seventh street to the intersection with the center line of College avenue, and thence south along the center of College avenue to the place of begining. Third ward.

The Fourth ward shall embrace all that part of the territory of said city bounded as follows: Commence in the center of Root river on the south line of the north half of section nine, run thence west to the center of St. Clair street, thence northerly along the center of St. Clair street to the intersection with the center line of Prospect street; thence west along the center line of Prospect street to the center of Marquette street; thence north along the center line of Marquette street to the center line of St. Patrick Fourth ward.

street, and thence easterly along the center line of St. Patrick street to the east boundary line of the city; thence south along the east boundary line of said city to the center line of Root river, extended eastward, thence westerly on said last named line to the place of beginning.

Fifth ward. The Fifth ward shall embrace all that territory situated within the following boundaries, to wit: Commence in the center of Root river on the south line of the north half of section nine, run thence west to the center of St. Clair street; thence northerly along the center of St. Clair street to the intersection with the center line of Prospect street; thence west along the center line of Prospect street to the center of Marquette street; thence north along the center of Marquette street to the center of Albert street; thence west along the center of Albert street, extended to the west boundary line of the city; thence south along the west boundary line of the city to the north line of section seventeen; thence west along the north line of section seventeen to the west line thereof; thence south along the west line of section seventeen to the south line of the highway running along the north side of Mound cemetery; thence east along the south line of said highway and the same extended to Root river; thence along the center line of said river to the place of beginning.

Sixth ward. The Sixth ward shall embrace all that territory of the city situated south of the Fifth ward and the center line of Root river, and not embraced by the First, Second and Third wards. The Seventh ward shall embrace all that part of the territory of the city bounded as follows: Commencing at the intersection of the center line of St. Patrick street with the east boundary line of said city; thence west along the center line of St. Patrick street to the center line of Marquette street; thence south along the center line of Marquette street to the center line of Albert street; thence west along the center line of Albert street and Albert street extended to the west boundary line of the city; thence north on said west boundary line to the north boundary line of the city; thence east on said north boundary line to the east boundary line of the city; thence southerly on the east boundary line to the place of beginning.

TITLE II.

OFFICERS, THEIR QUALIFICATIONS, TERMS, ELECTION, APPOINTMENT AND SALARIES.

SECTION 3. The officers of said city to be elected by the people shall be: A mayor, two aldermen from each ward, constituting the common council, one supervisor from each ward to represent such ward in the county board of supervisors, a city treasurer, a city clerk, three assesors, two justices of the peace, a city marshal. City officers, election.

SECTION 4. The appointive officers shall be: A city engineer, two commissioners of public works, one from each side of the river, who, together with the city engineer, shall constitute the board of public works, three commissioners of health constituting the board of health, two school commissioners from each ward constituting the board of education, a city attorney, a chief of police, a fire marshal, an assistant fire marshal, a superintendent of poor, a harbor-master, a city sexton, and as many bridge tenders, policemen, firemen, watchmen, and such other officers and agents as may be provided for in this act and as the common council may determine. Appointive officers.

SECTION 5. The officers to be elected by the people shall be qualified electors of the city, and the officers to be elected from any ward shall be qualified electors in their respective wards. Elective officers to be qualified electors.

SECTION 6. The terms of office of the supervisors shall be one year. Term of office of all city and ward officers.

The terms of office of mayor, city marshal, city treasurer, city clerk, justices of the peace and aldermen shall be two years; provided that no person shall be eligible to hold the office of city treasurer for two consecutive terms; and provided that at the next annual election a city marshal shall be elected for one year.

The terms of office of the assessors shall be three years.

The terms of the appointive officers shall be as follows: Of the school commissioners two years, of the fire marshal and assistant fire marshal two years, the city sexton two years, the commissioners of public works two years, pro-

vided that the first appointment of commissioners of public works under this act shall be made as soon as practicable after the passage of this act, and one of said commissioners of public works shall be appointed and hold his office until the Tuesday next following the second Monday of May, 1892, and the other until the same day in May, 1893, and thereafter one shall be appointed annually for two years.

The term of all other appointive officers named shall be one year.

Provided, that the terms of officers and agents not herein specially enumerated shall be only during the pleasure of the common council and shall terminate with the second Monday of May next succeeding.

The terms of office of all officers elected by the people shall commence on the third Tuesday of April of the year of their election.

The terms of office of the appointive officers shall commence on the Tuesday next following the second Monday in May in the year of their appointment.

Provided, that the terms of office of all officers elected or appointed to fill a vacancy shall commence immediately upon such election or appointment and qualification and shall end with the term for which their immediate predecessors shall have been elected or appointed, and provided that every officer shall hold his office for the term for which he was elected or appointed and until his successor shall have been elected or appointed and shall have qualified, unless sooner removed from office or unless such office be abolished.

Removal of ward officer from ward or failure of officer to qualify, office becomes vacant; suspensions, removals and resignations.

SECTION 7. When any alderman, supervisor or school commissioner shall remove from his ward, or any other officer elected or appointed under this act shall remove from the city or from the district for which he shall have been appointed or become otherwise disqualified, or shall after notice of his election or appointment fail to qualify or to give the requisite bond or to enter upon the discharge of his duties at the time prescribed by this act, his office shall thereby become vacant.

Any officer elected or appointed under this act, except justices of the peace, may be removed

from office for willful neglect or for misconduct in office, by a vote of two-thirds of all the members of the common council, upon charges preferred and due hearing thereon before the common council, and the common council may suspend any ministerial officer from office during the pendency of such charges.

The mayor shall have power to suspend or remove from office any officer of his appointment and fill the vacancy by a new appointment subject to the approval of the common council, and he shall have power to temporarily suspend from office any officer appointed by the common council and fill such office temporarily by appointment subject to the further action of the common council thereon.

Resignations from office shall be in writing directed to the mayor and common council and shall not take effect until accepted.

Municipal elections; officers to be elected thereat.

SECTION 8. Municipal elections shall be held annually on the first Tuesday in April. At every such annual election there shall be elected by the electors of the several wards, one alderman and one supervisor from each ward, and by the electors of the whole city one justice of the peace; and at every such election in odd numbered years, there shall be elected a mayor and city clerk, and in the even numbered years a city treasurer and a city marshal, but at the next annual election a city marshal shall be elected for one year.

The qualifications of electors shall be the same as those of electors at general elections. Every ward shall constitute not less than one election precinct, and the election precincts shall be the same as those fixed for general elections. The inspectors and clerks appointed for the general elections shall conduct the annual and special municipal elections and vacancies in the offices of such inspectors, and clerks shall be filled, and the elections shall in all things be conducted as provided by the laws of this state.

Notice of election.

SECTION 9. Public notice of every annual election shall be given by the mayor by proclamation thereof to be published not less than fifteen days before such election, in the official paper of the city, naming the officers to be elected, the time and places for such elections and the time for opening and closing the polls.

Special elections.

SECTION 10. Special elections may be ordered by the common council to fill vacancies in the offices of mayor, aldermen or justice of the peace, when such vacancies shall occur more than sixty days before the next annual election, otherwise such vacancy shall be filled at such next annual election. Notice of not less than five days shall be given for such special election by the mayor and the manner of conducting such special election may be prescribed by the common council, any general law of this state, to the contrary notwithstanding.

Vacancies.

SECTION 11. Vacancies occurring in any elective office, excepting the offices of mayor, alderman and justice of the peace, may be filled by appointment by the common council.

Appointments to office.

SECTION 12. The chief of police, school commissioners, and commissioners of health, shall be appointed by the mayor, with the approval of the common council; policemen and watchmen may be appointed by the mayor alone, without confirmation by the common council, all other appointive officers shall be appointed by the common council. Such annual appointments, shall be made on or before the first Monday in May of each year. The vote on the approval of the appointments made by the mayor, shall be taken by *viva voce*, and the vote on the appointment by the common council, shall be taken by *viva voce*, or by ballot.

The vote of a majority of all the members of the common council shall be necessary to such approval or appointment.

Returns of election.

SECTION 13. The returns of the municipal election shall be made to the city clerk within twenty-four hours after the closing of the polls, and they shall be canvassed by the common council within one week after such election. The common council shall declare the result; a plurality of votes shall be sufficient to an election, and in case of a tie vote the common council shall decide the same by lot. The city clerk shall record the proceedings and shall within three days after such canvass, or of any appointment notify the persons elected or appointed, by mail, of their election or appointment. The ballots shall be returned to the city clerk, and shall be kept and be disposed of as provided by law.

SECTION 14. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, clerk and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond, with two or more sureties, the aggregate amount of whose property within this state over and above all their respective debts, exemptions and liabilities, as shown by their several and respective affidavits attached to, or endorsed on such bonds, shall be at least double the sum named as the penalty in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds, executed to the city of Racine, except that of the city clerk, shall be filed with and be safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk and of all officers who may be charged with the collection, or safe keeping, or the disposition or disbursement of any of the funds of said city, or who may have any control over such funds at any time, shall be duly witnessed and acknowledged and recorded in the office of the register of deeds of the county of Racine. A transcript from the records of such bonds in the office of the register of deeds or city clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer. Qualifying of officers.

SALARIES.

SECTION 15. Salaries shall be fixed for the following named officers on or before the fifteenth day of March, next preceeding their election or Salaries of officers.

appointment for their respective terms of office, which shall be in full for all services by them to be rendered, and in lieu of all fees and perquisites to which they might be otherwise entitled, and which salary shall not be increased nor be reduced during their respective terms, and shall not exceed the following named respective sums, to wit:

For the city clerk, fifteen hundred dollars ($1,500.00); for the city treasurer, eighteen hundred dollars ($1,800.00); for the city attorney, one thousand dollars ($1,000.00); for the assessors, three hundred dollars ($300.00) each; for the fire marshal, eight hundred dollars ($800.00); for the assistant fire marshal, two hundred dollars ($200.00); for the city engineer, eighteen hundred dollars ($1,800.00); for the commissioners of public works, one thousand dollars ($1,000.00) each; for the superintendent of poor, five hundred dollars ($500.00); for the city marshal, three hundred dollars ($300.00); for the chief of police, one thousand dollars ($1,000.00); for the harbor-master, five hundred and fifty dollars ($550.00).

The salaries or compensation of other officers may be fixed by ordinance or resolution. All salaries shall be paid by the city treasurer in monthly installments, at the end of each month, upon pay rolls to be made out by the city clerk, and warrants drawn for the same, signed by the mayor and city clerk, excepting the salaries of assessors, which shall be paid at the conclusion of their duties each year.

TITLE III.

POWERS AND DUTIES OF OFFICERS.

DUTIES OF MAYOR.

The mayor; his powers and duties.

SECTION 16. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures, as he may deem advantageous to the city. When present he shall preside at the

meetings of the common council, but shall vote only therein on an equal division of the members present. The mayor shall be the chief executive officer of the city and the head of the fire department and police; he may appoint and remove at pleasure as many temporary special policemen as the means of the police fund may permit. He shall have power to administer oaths and to take the acknowledgment of the execution of instruments. He shall sign all drafts and warrants on the city treasury, excepting those drawn on the school fund, and all contracts on behalf of the city, excepting contracts made by the board of education. He shall have the powers of supervisors of towns in the prosecution and settlement of bastardy suits, and relating to the support of poor under section 1502, revised statutes, and he shall have such other powers and perform such other duties as are prescribed by this act or by any laws of the state.

President of the council; his powers and duties.

SECTION 17. The common council shall annually at the meeting when the new members thereof are admitted to take their seats, elect by ballot or *viva voce* one of their number as president of the council, who shall preside at their meetings in case of the absence of the mayor. In case of a vacancy in the office of mayor or of his inability to perform the duties of mayor, the president of the council shall have and exercise all the powers and discharge all the duties of the mayor, under the title of "acting mayor," until the mayor shall resume his office or the vacancy shall be filled by an election; provided the acting mayor shall have no power to approve any act or proceeding, which shall have been vetoed by the mayor.

CITY CLERK.

The city clerk; his powers and duties.

SECTION 18. The city clerk shall keep the corporate seal and all the papers and records of the city. It shall be his duty to attend all meetings of the common council and to keep a full record of its proceedings. He shall record all ordinances, attest the signature of the mayor thereto, draw and sign all warrants, or orders on the city treasury (except as in this act otherwise provided) authorized to be drawn by the common

council, and shall keep a full and correct account thereof; he shall keep a record of licences and bonds issued by the city, and shall carefully preserve all receipts, papers and documents filed in his office, and prepare the proceedings of the common council for publication in the official paper of the city. He shall have the powers and perform the duties conferred on city clerks by the laws of this state. He shall keep an accurate account with the city treasurer and charge him with all tax lists put into his hands for collection and with all sums of money paid into the city treasury. He shall sign all contracts authorized to be made by the common council or by the board of public works or by the board of education by virtue of this act, and unless such contracts are by him signed, they shall have no validity; provided however, that the city clerk shall sign no contract unless the means for payment thereof shall have been provided for, or unless the fund against which the expense thereof shall be chargeable shall be good for the amount, or unless the expense is to be provided for by special assessments and except such contracts which are authorized by this act to be made for a term of years. He shall keep account of the several funds of the city and of the several sums received to the credit of the same and of all disbursements therefrom and make report thereof to the common council on the first Monday of each month. Every warrant, pay roll, or order on the city treasury, shall specify the debt for which, the person in whose favor and the fund from whence it is to be drawn. Before any bill or account shall be allowed by the common council, it shall be audited by the city clerk, who shall keep a full account of the bills so audited and separate files of such bills against the several funds and of all tracts signed by him.

Copies of any records, books or papers kept or filed in the office of the clerk, and of the endorsements thereon and transcripts from the records of proceedings of the common council or board of public works certified by him under the corporate seal of the city, shall be evidence in all courts and places, of the contents thereof, and of such endorsements in like manner and with the same force and effect as if the originals were produced.

He shall have power to administer oaths and affirmations and to take the acknowledgements of instruments, and he shall perform such other duties as are prescribed in this act or as may be prescribed by the common council.

He shall on the Monday immediately preceding the third Tuesday in April of each year report to the common council a statement in detail of all the expenditures and income of the city for the preceding year and the condition of the several funds. The fiscal year shall commence on the third Tuesday of April The city clerk shall be secretary of the board of public works; he shall appoint a deputy in writing under his hand and report such appointment to the common council for confirmation, and such deputy clerk shall aid in the performance of the duties of the city clerk under his direction, and in case of his absence or disability or a vacancy of his office, shall perform the duties of such clerk during such absence or disability, or during such vacancy, and the city clerk and his sureties shall be liable upon his official bond for the acts of his deputy, and such deputy shall not be entitled to compensation from the city until the common council shall by resolution fix his compensation

CITY TREASURER.

The city treasurer; his powers and duties.

SECTION 19. The city treasurer shall be the custodian of the funds of the city; he shall collect and return the state, county and city taxes and special assessments as provided by law, and receive all moneys belonging to the city, keep accurate account of the same in suitable books provided for that purpose, and shall pay over all moneys and other property in his hands according to law. He shall pay the interest on the bonds of the city as the same shall become due, and the principal of such bonds for which the payment has been provided. He shall pay the drafts upon the school fund only upon warrants signed by the president and clerk of the board of education, and countersigned by the city clerk, and the drafts upon any other funds upon warrants signed by the mayor or acting mayor and city clerk. He shall on every Saturday immediately preceding the first regular meeting of the

common council in each month, report to the city clerk his disbursements from, and the sums of money received into the city treasury since the making of his last report, and shall annually, on the Monday immediately preceding the third Tuesday of April, submit to the common council a statement in detail, showing the receipts and disbursements of the preceding year on account of the several funds. The city clerk shall have the right at all times, to examine the books, papers and accounts of the city treasurer, and it shall be his duty from time time to time to compare his reports therewith.

ASSESSORS.

Assessors; their powers and duties.

SECTION 20. The assessors shall assess all the taxable property in said city, arranged by wards, and shall make out the annual assessment roll as provided by law, except that there shall be only one assessment roll for the whole city. The assessment shall be reviewed and corrected, and notice of such review shall be given as provided by law, except that such notice shall be published in two newspapers in said city at least one week previous to the time of the commencement of such review. Upon the correction of the assessment, the assessment roll shall be verified by the oaths of the assessors as required by law, and shall be deposited in the office of the city clerk.

CITY MARSHAL.

The city marshal; his powers and duties.

SECTION 21. The city marshal shall have the powers and perform the duties of a constable and shall be entitled to the same fees for services rendered as such.

It shall be his duty to attend the sessions of the common council, to maintain order under the direction of the mayor, acting mayor or president of the council, and to execute the commands of the common council and all processes and orders issued by authority thereof directed to him by the mayor, acting mayor, or president of the council.

His bond shall be in the sum of two thousand dollars, conditioned for the faithful performance

of his duties and for the requirements mentioned in section 841, revised statutes.

CITY ATTORNEY.

SECTION 22. The city attorney shall conduct the law business of the corporation and its several departments. He shall, at the request of the mayor or common council, furnish written opinions upon any matters affecting the interests of the city or relating to the administration of corporate affairs, and to give counsel to any city officer relating to his powers and duties. He shall keep a docket of all suits to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall be open to inspection by the mayor, city clerk or any committee of the common council. The city attorney shall draw all ordinances, bonds, contracts, leases, conveyances, and other instruments necessary in conducting the business of the city; he shall examine assessment and tax rolls and all proceedings with reference to the levying and collection of taxes and assessments, and shall perform such other duties as may be prescribed by this act or any ordinance of the city. He shall have power to appoint an assistant who shall have authority to perform any of the duties of the city attorney, but the city attorney, shall be liable for the acts of his asistant and for his compensation. The common council shall have power to employ additional counsel in the defense or prosecution of important suits.

The city attorney; his powers and duties.

CITY ENGINEER.

SECTION 23. The city engineer shall be a practical surveyor and engineer, and he shall be provided with a suitable office for the safe keeping of the records and surveys.

He shall be *ex-officio* a member of the board of public works, and shall prepare all plans, profiles, specifications and estimates of cost of improvements required by the common council of the board of public works. He shall perform such other duties as may be required by the common

The city engineer; his powers and duties.

council, and the common council may appoint assistants to him as may seem necessary, and all such assistants shall file with the city clerk their oaths of office as required of other officers. All surveys, profiles, maps, field notes and memorandum, and all records or charts of water mains, gas mains, sewers and drains shall be safely kept in his office as the property of the city. The surveys of streets, alleys and public grounds in said city, made by the city engineer or his certificates thereof, shall be *prima facie* evidence of their correctness in all courts of this state.

THE BOARD OF PUBLIC WORKS.

The board of public works, how composed; its powers and duties.

SECTION 24. The board of public works shall consist of the city engineer and two commissioners of public works. It shall be the duty of said board, subject to the direction of the common council, to keep the streets, sidewalks, bridges, culverts, alleys, sewers, drains, public works and buildings in suitable condition and repair; it shall have the power summarily to remove obstructions and encroachments in or upon the harbor, public streets, alleys and grounds, to abate or remove all nuisances thereon, to require the owners of real estate in the city to build, rebuild or repair sidewalks, curbings and gutters in front of their respective premises, to clean sidewalks and alleys adjoining their premises of snow or rubbish or other obstructions, to require them to remove dilapidated walls, buildings or structures and trees near any street that may endanger travel thereon, and upon the neglect of such owners to comply with such request it may cause the same to be done at the charge of the respective real estate as is further provided in this act.

The board shall have charge of the erection and repair of public buildings and the making of public improvements authorized by the common council; it shall prevent the erection, rebuilding or repair of buildings within the fire limits or in violation of the city ordinances upon the subject.

The board of public works shall have a general supervision over the public streets, alleys, grounds, parks and the harbor.

It shall have power to employ men and teams

to repair and clean streets, sidewalks and public grounds, to be paid by the day, and it shall at such times and in such form as the common council may proscribe, make out and file with the city clerk, a pay roll of such employes, and the common council may provide for the immediate auditing and payment of the same, and authorize the mayor and city clerk to draw warrants on the city treasurer for that purpose.

It shall have such other powers and perform such other duties as provided by this act or any ordinance of the common council.

DUTIES OF OTHER OFFICERS.

SECTION 25. The common council shall by ordinance prescribe the duties of all other officers whose duties are not prescribed by this act. Duties of other officers.

TITLE IV.

THE COMMON COUNCIL — ITS GENERAL POWERS.

SECTION 26. The municipal government of the city shall be vested in the mayor and common council; and the style of all ordinances shall be: "The mayor and common council do ordain," etc. Council, how composed.

SECTION 27. The common council shall hold stated meetings at such time and place as they shall appoint; and the mayor or the president of the common council may call special meetings thereof by notice of at least twenty-four (24) hours to each of the members to be served personally or left at their usual abode, and in case of absence from the city of the mayor and the president of the council, any five members may call a meeting of the common council. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. Two-thirds of the members elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open to the public; their proceedings shall be recorded, and all their papers and records and all election Stated and special meetings of council, quorum, etc.

returns shall be deposited with the city clerk, and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote and no more on any one question. The ayes and noes may be required by any member and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money or creating any liability or charge against said city or any fund thereof, the vote shall be taken by ayes and noes, and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the attendance of its members upon its sessions and employ the police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member or for unnecessary absence from the sessions of the board. At all elections and confirmations by the common council the vote shall be *viva voce* or by ballot, and shall be duly recorded by the clerk in the journal, and the concurrence of a majority of all the members-elect shall be necessary to an election or confirmation.

Council shall manage finances, etc.

SECTION 28. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; and to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations, and such ordinances, rules, by-laws and regulations are hereby declared to be and to have the force of law; provided, that they

be not repugnant to the constitution of the United States or of this state, and for these purposes the common council shall have authority, anything in the general laws of this state to the contrary notwithstanding, by ordinances, resolutions, by-laws, rules or regulations:

Grant licenses.

First. To regulate taverns, victualing houses, saloons, gardens and all other places within said city, where wines and other liquors are sold to be drank on the premises; and to license, regulate and restrain tavern keepers, keepers of ordinaries, saloons, victualing houses or other houses or places, or the selling or giving away of spirituous, vinous or fermented liquors, and to prescribe the time for which said license shall be granted, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council.

Billiard halls, bowling alleys, etc.

Second. To license, tax, regulate, suppress or prohibit public billiard halls, bowling alleys or bowling saloons, shooting galleries, theaters, opera houses, ice or roller skating rinks or parks, concert saloons, exhibitions of common showmen, concerts or other musical entertainments and theatrical performances, exhibitions of natural or artificial curiosities, caravans, circuses by itinerant persons or companies, or any other exhibition or amusements.

To prohibit gambling.

Third. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices and to destroy the implements and devices employed therein.

Suppress riots, etc.

Fourth. To prevent and suppress riots, noise, disturbances or disorderly assemblages, to restrain loafers and idlers upon the streets and public places, to suppress and restrain disorderly houses and houses of ill-fame or of prostitution or assignation, to restrain and punish vagrants, mendicants, street beggars, drunkards, prostitutes, street walkers, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing or punishing any person guilty thereof.

To compe owner to remove nuisances.

Fifth. To compel the owner or occupant of any grocery, cellars, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place,

to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city.

To regulate location, etc., of breweries, tanneries, etc.

Sixth. To direct the location, management and construction of and regulate breweries, tanneries and packing houses; and to direct the location and management and construction of and regulate, license and restrain, abate or prohibit within the city and the distance of four miles therefrom distilleries, slaughtering establishments, establishments for steaming or redering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public markets.

Seventh. To establish and regulate public markets, determine their location, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers, and the sale of game, poultry, etc.

Eighth. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit, drink or provisions.

Gunpowder and other combustible material.

Ninth. To regulate and prohibit the storing of gunpowder and other combustibles and dangerous materials within the city, to regulate the sale of mineral oils for illuminating purposes; to require the inspection thereof and to establish a proper fire test and prescribe the manner of testing and inspection of the same, and to prohibit and punish the sale or keeping for sale of any mineral oils for illuminating purposes not so inspected and tested, or of any such oils, the fineness of which shall be below such established fire test.

Same.

Tenth. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables, and outhouses.

Eleventh. To prevent shooting of fire-arms

and fire-crackers, and to prevent the exhibition or the use of any fire-works at any time or in any situation which may be considered by the council dangerous to the city or to any property therein or annoying to any citizen thereof.

Shooting of firearms and crackers.

Twelfth. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wagons, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts; signs, awnings, or any substance or material, in any manner whatsoever.

Encumbering of sidewalks.

Thirteenth. To prevent horse racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Horse racing and immoderate driving on streets.

Fourteenth. To regulate and determine the time and places of bathing and swimming in the rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition or conduct.

Bathing and swimming.

Fifteenth. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals for a violation of any ordinances in relation thereto.

Running at large of cattle.

Sixteenth. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances; to restrain, regulate and prohibit the keeping of swine within the city; to restrain and prohibit the keeping of cattle in proximity of any dwelling house or store.

Running at large of dogs

Seventeenth. To provide for licensing the keeping of dogs in said city, at a sum or rate of not less than one dollar ($1) nor more than five dollars ($5) a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dogs and for the killing and destruction, in a summary manner, of all dogs not licensed whenever the same may

Licensing of dogs.

be found within said city, and of any licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs.

License hackmen, etc.

Eighteenth. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles; also to license bill posters and prescribe their compensations.

Rolling of hoops, playing of ball, etc.

Nineteenth. To prevent and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Contagious or infectious diseases.

Twentieth. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to make regulations to prevent the introduction of contagious diseases into the city or their spread therein; and to make quarantine laws and regulations and enforce the same within the city and not to exceed four miles beyond the city limits.

Abatement of nuisances.

Twenty-first. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Cemeteries, and burial of dead.

Twenty-second. To provide for and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same, to provide by ordinance or resolution for the punishment by fine or imprisonment of any person or persons injuring in any manner the fences, ornaments, trees, shrubbery, plants, gravestones, monuments, railings, buildings or other fixtures or improvements on the same, or by violating any ordinance or regulation of the common council enacted for the protection of such cemeteries against trespassers. And for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city and to be within the jurisdiction of the same.

Twenty-third. To regulate the burial of the dead and registration of births and deaths, to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises, also to provide for, hold and regulate grounds for the interment of dead animals. Burial of dead and registration of births and deaths.

Twenty-fourth. To abate and remove all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of said city or within its jurisdiction by indictment or otherwise. Abatement of nuisances.

Twenty-fifth. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer or officers of the city, at the expense of such person or persons. Putrid carcasses and unwholesome substances.

Twenty-sixth. To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same. Pest houses.

Twenty-seventh. To prevent the ringing of bells, blowing of horns and bugles, crying of goods and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise. Ringing of bells and blowing of horns.

Twenty-eighth. To control, regulate or prohibit the use of steam whistles within the limits of the city. Steam whistles.

Twenty-ninth. To control and regulate the streets, alleys and public grounds in said city, and to summarily remove or abate any obstructions or encroachments thereon. Streets and alleys.

Thirtieth. To provide for sprinkling the streets Street sprinkling.

at the cost of the city or of the lots or parts of lots fronting thereon.

Removal of snow, ice, etc., from sidewalks.

Thirty-first. To compel owners or occupants of buildings or grounds to remove snow, ice, dirt or rubbish from the sidewalk and alleys adjoining thereto; and to compel such owners or occupants to remove from the lots owned and occupied by them all such substances as the board of health shall direct; and on their default to authorize the destruction or removal thereof by some officer of the city at the expense of such owners or occupants.

Mending, cleaning and repairing of streets.

Thirty second. To control, regulate and repair, mend and clean the streets and alleys, bridges, side and crosswalks, and open, widen, straighten, and vacate streets and alleys, and establish and alter the grades thereof, and to prevent the encumbering of the streets and alleys in any manner, and to protect the same from encroachment or injury, and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used thereon.

Driving of cattle on sidewalks.

Thirty-third. To prevent all persons from riding or driving any horses, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Public wells and cisterns.

Thirty-fourth. To make, establish and regulate public wells, cisterns, water works and reservoirs.

Street lighting.

Thirty-fifth. To erect lamps and regulate the lighting thereof and to provide for lighting the streets and public buildings with gas or otherwise.

Sealing of weights and measures.

Thirty-sixth. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measures or weight, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standards of such weights and measures shall be conformable to those established by law in this state.

Sale of hay and straw; hay and wood market.

Thirty-seventh. To regulate the weighing and sale of hay and straw and the places and manner thereof, to appoint official weighers and establish and maintain a hay and wood market and city

scales therefor, and empower such weighers to charge and collect reasonable charges for such weighing, and to prescribe suitable fines and penalties for the sale or offering for sale of hay or straw in violation of such regulations; to regulate the cutting and sale of ice and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same and to define their duties.

Thirty-eighth. To regulate the time, places and manner of holding public auctions and vendues. Auctions.

Thirty-ninth. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk shops and places for the sale and purchase of second-hand goods, wares and merchandise, to tax, license, regulate and restrain hawkers and peddlers or runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners, including runners or solicitors for mercantile houses from other cities and towns, for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers and proprietors of gift book stores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on, provided, that no such license shall be granted for a less term than three months, nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars ($10) per year, nor greater than at the rate of one hundred dollars ($100) per year for the carrying on of either of said trades, kinds of business or employment. License auctioneers, distillers, brewers and pawn brokers, etc.

Fortieth. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other com- Lumber yards and the piling of lumber.

bustible material within the fire limits of said city.

Measuring and inspecting of lumber, etc.

Forty-first. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and headings and all building materials, and to appoint one or more inspectors.

Sale of fish.

Forty-second. To regulate the places and manner of selling fish.

Inspection of steam engines and boilers.

Forty-third. To provide for the inspection and regulation of stationary steam engines and boilers.

Inspection of weights and measures.

Forty-fourth. To appoint inspectors and weighers, and to regulate their duties and prescribe their fees.

Public grounds.

Forty-fifth. To establish and regulate public grounds.

Speed of locomotives in city.

Forty-sixth. To regulate the speed of locomotive engines in the city, and to direct and control the location of railroad tracks in the streets, to require railway companies to construct and maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as the common council may deem necessary, to regulate the running of street railway cars, transportation of passengers, etc.

Watchmen and policemen.

Forty-seventh. To appoint watchmen and policemen, and to regulate the police and prescribe their duties.

Numbering of houses, etc.

Forty-eighth. To compel the owners and occupants of all houses, stores and other buildings within the city of Racine to number the same in such manner as the common council may from time to time prescribe.

Canada thistles and noxious weeds.

Forty-ninth. To declare the weed commonly called the Canada thistle, and other noxious plants and trees on lots, parts of lots, railroad tracks, and streets and lands in said city, a public nuisance, and to proceed to abate the same as the said city is authorized by law to abate other nuisances.

Health.

Fiftieth. To impose fines for all violations within the limits of the said city, of the general laws of the state, when in their judgment it is necessary for the peace and good order, or for the health of the said city.

Trees.

Fifty-first. To direct and regulate the planting

and preserving of ornamental trees in the streets and public grounds.

Fifty-second. Exclusively to erect and construct, or permit, or cause, or procure to be created and constructed, float, pivot or draw bridges, over the navigable waters in said city, and keep the same in repair; said bridges to have draws of suitable width. Float and draw bridges.

Fifty-third. To preserve the harbor, to prevent any use of the same, or any act in relation thereto inconsistent with, or detrimental to the public health, or calculated to render the waters of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same. Preservation of harbor.

Fifty-fourth. To prevent and punish the casting or depositing therein of any earth, dead animals, ashes or substances or filth, logs or floating matter; to punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, passing the bridges, and of coming to and departing from the wharves and streets of the city by steamboats and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, leaving or abiding in the harbor; and to regulate and prescribe by such ordinances or through their harbormaster or other authorized officer such location of every boat, steamboat or other craft or vessel afloat, and such changes of station in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience as near as may be of all such boats, vessels, crafts and floats, and to impose penalties, not exceeding one hundred dollars ($100.00) for any offense against any such ordinance; to charge and enforce such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat or other vessel, craft or float. Same.

Fifty-fifth. To prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels passing the bridges across Root river in said city. Time of entry and speed of vessels.

Fifty-sixth. To regulate the construction of piers and wharves extending into lake Michigan within the limits of said city; and to prescribe Piers and wharves.

and control the prices to be charged for dockage and storage within the city.

Wharfage rates.

Fifty-seventh. To establish rates and collect wharfage for the landing of lumber, wood, coal, merchandise or other property, at the ends of streets abutting on the river, and to let and lease the privilege thereof; provided, no permanent obstruction shall be created on such street, and free access shall be left open to the lots adjoining on either side of such street.

Destitute children.

Fifty-eighth. To authorize the taking up and provide for the safe keeping and education for such period of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness and vice.

Vagrants, etc.

Fifty-ninth. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having any visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in drinking saloons, houses of ill-fame, or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune telling, place of cock fighting or other device, and all persons who go about for the purpose of gaming or watch-stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Concealed weapons.

Sixtieth. To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person of any pistol, or revolver, or sling-shot, or cross knuckles, or knuckles of lead, brass or other metal, or bowie-knife, dirk knife, dirk or dagger, or any other dangerous or deadly weapons, and to provide for the confiscation or sale of such weapons.

Construction of buildings, chimneys, etc.

Sixty-first. To control and regulate the construction of buildings, chimneys and smoke-stacks, and to prevent and prohibit the erection

or maintenance of any insecure or unsafe buildings, smoke-stacks, walls or chimneys, in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Construction of doors of opera houses, churches, etc.

Sixty-second. To declare that it shall be unlawful for any hall, theatre, opera house, church, school house or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons assembled in case of alarm.

Fire limits.

Sixty-third. To establish fire limits and to regulate and prohibit therein the erection, enlargement, raising, rebuilding or repair of wooden buildings or structures; to prohibit the moving of buildings within or into the fire limits.

Fire department.

Sixty-fourth. To maintain a fire department and to appoint its officers and members and prescribe their duties.

Water works.

Sixty-fifth. To contract for a water supply for the city, to erect or purchase waterworks and to issue bonds for that purpose, but the question of erecting or purchasing waterworks shall first be submitted to the people at a special election, and only in case a majority of the voters shall vote for such purchase or erection of waterworks, shall the common council have power to act thereon.

Protection of Lake Michigan shore.

Sixty-sixth. To build and maintain protections of the shore on Lake Michigan and to prevent the erosion of the same.

Stringing of electric wires.

Sixty-seventh. To license, regulate or prohibit the erection of poles and the stringing of telegraph, telephone or electric light wires within the streets and to remove the same from the public streets and alleys.

Public buildings.

Sixty-eighth. To purchase, lease and hold real estate and to erect and maintain buildings thereon for the public use; to insure such buildings and to convey real estate.

Taxes for public improvements.

Sixty-ninth. To levy taxes and make and levy special assessements for public improvements.

Sewer and sewerage districts.

Seventieth. To establish a system of sewerage and to divide the city into sewer districts.

Changing boundaries and increasing number of wards.

Seventy-first. To change the boundaries of the wards and to increase the number of wards, but no ward shall be created with a population of less than two thousand (2,000) people.

Ordinances, etc., how passed.

SECTION 29. All ordinances and by-laws shall be passed by an affirmative vote of a majority of the aldermen-elect, and shall be signed by the mayor and shall be published in the official paper of said city before the same shall be in force, and within fifteen days after such publication they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said ordinances or by-laws shall be recorded the publication thereof, respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution, or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council, which vote shall be taken by the ayes and noes and entered among the proceedings of the council.

Ordinances, etc., creating charge on city, how and when acted upon.

SECTION 30. All ordinances, petitions, communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day on the report of the committee to which the same were referred. Action upon any report of a committee made to the council shall be deferred to the next regular meeting of the same by a request of one-fifth of the aldermen present.

Reconsideration of vote.

SECTION 31. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken; and no business shall be transacted at any special meeting except that named in the notice calling such meeting.

SECTION 32. Every ordinance or by-law which shall have been duly passed by the common coun-

cil, before it shall take effect, and within five days after its passage, shall be presented to the mayor for his approval. If he approve, he shall sign it; if not, he shall return it within five days, with his objections stated in writing, to the city clerk, and the clerk shall submit such objections to the common council at their next regular meeting thereafter, who shall enter such objections upon the records of their proceedings, and shall proceed to reconsider the matter, and if, after such reconsideration two-thirds of all the members elected should vote to pass such an ordinance or by-law, it shall take effect and be in force as an act or law of the corporation, otherwise it shall be null and void. All such votes, after receiving the objections of the mayor, shall be taken by yeas and nays, and be entered upon the journal of proceedings of the common council. If the mayor shall not return an ordinance or by-law it shall take effect in the same manner as if he had signed it; and in case such ordinance or by-law shall not receive the signature of the mayor the certificate of the city clerk shall be attached thereto, showing the manner in which it was passed and acquired its validity.

Mayor's approval of ordinance or by-law; veto.

The mayor shall have the power to veto any other act, resolution or appropriation by filing his objections in writing thereto with the city clerk within ten days after the passage thereof, and the city clerk shall submit such objections to the next regular meeting of the common council, and the vote on the adoption of such act, resolution or appropriation shall then be reconsidered, and if the same shall thereupon be passed by a two-thirds vote of all the members of the council, it shall be valid, notwithstanding such veto, otherwise it shall be void and of no effect.

SECTION 33. The common council shall examine, audit and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, at such times as they may deem proper, and also at the end of each year and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent, shall refuse to

Examination and auditing of accounts of officers, etc.

comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, or any authorized committee thereof, it shall be the duty of the common council to declare the office of such person vacant. The common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his duties, and they shall make a full record of all such settlements.

Official city paper.

SECTION 34. The common council shall annually on or before the first Monday in May, designate some daily newspaper, printed in said city, as its official paper, wherein all ordinances, notices or other proceedings which require publication, shall be published, The affidavit of the printer or his foreman, having thereto the ordinance, notice or other publication attached, stating the length of time, or the number of times and dates thereof, that the same shall have been published in such newspaper, and filed in the office of the city clerk, shall be conclusive evidence of such publication.

Lighting of streets.

SECTION 35. The lighting of the public streets shall be let by the common council to the lowest responsible bidder as a whole or in parts, and for terms not exceeding five years.

Purchase of supplies.

SECTION 36. The purchases of wood and coal and other supplies, in quantities exceeding the sum of one hundred dollars ($100), shall be made by contract let to the lowest responsible bidders.

TITLE V.

EMINENT DOMAIN—OPENING STREETS, ETC.

Lands for public use acquired by purchase or condemnation.

SECTION 37. The common council shall have power to acquire by purchase or condemnation, lands for streets, alleys, parks or sewers, to the public use, and may likewise acquire the title in fee to lands for public school houses, and to other uses of the city.

Opening or widening of streets or alleys.

SECTION 38. Whenever the common council shall deem that the public interest requires the opening, widening or extending of any street or

alley in said city, it shall by resolution, describing the location and extent of the proposed opening, widening or extension, direct the board of public works to make the requisite examination and plans therefor.

Board of public works to cause surveys to be made of land proposed to be taken.

SECTION 39. The board of public works shall make a description of the metes and bounds of the proposed street or alley or of the widening or extension thereof, and of the several parcels of land over which the same is to be laid, opened, widened or extended, and of the parts be taken therefrom, and it shall cause the same to be surveyed and staked out, and a plat to be thereof made showing the metes and bounds and distances of such street or alley or extension or widening thereof, and the metes and bounds of the lands directly effected thereby, with the names of the owners thereof, and the buildings upon or in close proximity to the lands to be taken, and shall make an estimate of the cost thereof, and report the same to the common council.

Notice of hearing on proposition of making improvements to be given; hearing.

SECTION 40. Upon the filing of the report of the board of public works, the common council shall by resolution, appoint a time and place for a hearing upon the proposition of making such improvement, and cause notice thereof to be given by publication in the official paper at least ten days before the time fixed for such hearing. Such notice shall contain a brief description of the proposed improvement, the names of the owners of the lands to be taken as far as known, and a statement that all persons interested may appear at such hearing and be heard in the matter of the proposed improvement. At the time and place appointed the common council shall meet and proceed to consider said matter and to hear all persons interested in relation thereto. The common council may, after such hearing, amend, reject, modify or adopt such plans or report of the board of public works as it may deem advisable, and may by resolution direct the city attorney to institute proceedings in the circuit court for Racine county for the condemnation of the lands necessary for the improvement.

Survey and plat to be filed with clerk of circuit court; petition.

SECTION 41. The city attorney shall thereupon file with the clerk of the circuit court the survey and plat of the street or alley, or of the land to

be taken, as adopted by the common council, and present to the circuit court his petition setting forth the metes and bounds of the lands to be taken and for what purpose, the names of the several owners, and whether any of such owners are minors, insane or under guardianship, and names and ages thereof as far as ascertainable, and the residences of such owners as far as known to him, or can with reasonable diligence be ascertained by him, that he has been directed to make such application and praying for the appointment of a jury to ascertain and determine the necessity of taking such lands for such purpose.

Appointment of time for impanelling jury.

SECTION 42. Upon the filing of such petition the circuit court shall appoint a time for the drawing and impanelling of a jury and for the hearing and determination of the matter prayed for in such petition, which time shall not be less than ten days nor more than sixty days from the filing of such petition. The court shall also issue to the sheriff of Racine county its precept commanding him to summon from the resident freeholders of the city of Racine twenty-four disinterested persons having the qualifications of jurors, to appear before said court at the time appointed to be examined, impanelled and sworn as jurors in the matter of such petition. The sheriff shall summon such jurors by reading the precept to them at least two days before the time appointed for such hearing and make due return thereof endorsed on said precept and file the same with the clerk of the court. And the juror so summoned shall appear at the time and place appointed.

Notice of impanelling of jury; form of service of.

SECTION 43. The city attorney shall thereupon prepare a notice substantially in the following form:

State of Wisconsin, in circuit court for Racine county.

In the matter of (here insert the object of the proceedings) in the city of Racine.

To whom it may concern:

Notice is hereby given that a petition has been presented to said court in the above entitled matter (a copy of which petition is hereto annexed) by the city of Racine by its attorney, and that a jury will be drawn and impanelled therein by said

court on the ..... day of ....., 189.., at .... o'clock in the .....noon of said day, and further proceedings will be had thereon according to the prayer of said petition.

Dated..... ..

A.... B....,
City attorney.

When any minors shall be interested in any of the land to be taken, the city attorney may add to such notice the following: "And guardians *ad litem* will be appointed for any minors interested in said matter."

Such notice shall be served upon the owners of land which is proposed to be condemned and upon all persons interested as mortgagees therein, residing in the county of Racine in the manner as a summons, in a civil action in the circuit court, is required to be served except that service may be made by the chief of police or any of his police force instead of the sheriff of the county, and the return or returns of such chief of police by himself or by any of his policemen, upon such notice or copies thereof, shall have the same force and effect as the return of the sheriff by himself or by his deputies. If any of such owners or parties interested as mortgagees are unknown or non-residents of the county of Racine, such notice together with the petition shall be published in the official paper of the city, twice in each week for two successive weeks, and such publication shall be a sufficient service upon such unknown owners or non residents of said county and the affidavit of the printer or the foreman of the printers of such official paper shall be conclusive evidence of such publication. If the land of such unknown or non-resident owner shall be occupied, such notice shall be served upon such occupant, and if the owner have a known agent residing in the city such notice shall be served on such agent.

Drawing of jury; view of premises.

SECTION 44. At the time appointed for the drawing of the jury, the court shall first appoint guardians *ad litem* for all minors or other incompetent persons interested, and the jurors shall then be examined under oath as to any grounds for challenge for principal cause or favor, and any person interested may appear in person or by attorney and take part in the selection of the jury,

and if after such examinations and excuses there shall be less than eighteen of the jurors summoned remaining, the sheriff shall summon talesmen, who shall likewise be examined to keep up a list of not less than eighteen jurors. Thereafter the owners of land and mortgagees as one party, and the city attorney as the other party, shall alternately, commencing with such owners, each strike out from the list of jurors remaining one juror until twelve jurors shall remain. The strikes by the owners if several appear, may be made by agreement among themselves or by direction of the court. Such jury shall immediately thereafter be sworn to well and truly inquire into and determine the necessity of taking the lands described in said petition for the public use and faithfully to discharge their duties according to law. The court shall thereupon direct the sheriff to take charge of the jury for a view of the lands proposed to be taken, and the jury shall be provided with the surveys and plats of the premises, and the city engineer shall point out to the jury the lines of his survey of the premises. The jury shall view the premises and examine and ascertain the necessity of taking any of the lands and shall thereupon return into court. On returning into court either party may introduce evidence as to the necessity of taking such lands under the direction of the court, and thereafter the jury shall retire to consider their verdict. The jury shall render a unanimous verdict in writing signed by them in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, briefly designating such as they find necessary to be taken.

Verdict of jury.

SECTION 45. Any technical error may be immediately corrected with the consent of the jury. Such verdict shall then be entered by the court and the jury shall then be discharged and the court shall render judgment according to such verdict. If the jury shall fail to find a verdict the city attorney may at once move for the selection of another jury, and another jury shall be summoned to appear at some future day, and the court shall adjourn the proceedings to such future time, at which time such other jury shall be selected and sworn and proceedings shall be had in the same manner. The proceedings and judgment shall be

entered of record in the court in the same manner as other actions or proceedings. The verdict and judgment for the condemnation of the land shall be final and conclusive.

Appointment of commissioners to assess damages and benefits; their powers and duties.

SECTION 46. After the entry of a verdict of condemnation the court shall appoint three special commissioners to assess the damages and benefits arising from making such improvements. Such commissioners shall be disinterested freeholders, residents of said city, and the court shall issue a precept to the sheriff to summon the persons so appointed to appear in court at a time to be named, and the sheriff shall summon such commissioners and such commissioners shall appear at the time required, and may be examined as to their interests or prejudices in the matter; and all parties interested shall have the right to take part in such examination, and to challenge any of such appointees for cause, and the court shall decide any and all objections and may order the summoning of other persons to serve as such commissioners until three such commissioners shall be finally appointed. The commissioners shall thereupon be sworn to view the premises and to assess the damages and benefits faithfully and impartially in the matter, and such commissioners shall thereupon proceed to view the lands, and to assess the damages accruing from the taking of the lands to the owners thereof, and shall assess all such parcels of land which will in their opinion be benefited by the improvement, with such benefits as they may deem just, provided that the total assessment of such benefits shall not exceed the award for damages.

Publication of assessment; review.

SECTION 47. Upon the completion of such assessment of damages and benefits, the commissioners shall publish the assessment in the official paper of the city with a notice that they have made such assessment and that the same will be open for review and correction before them at a time and place named, which time shall not be less than ten days from the publication thereof, and the place of meeting for such review shall be the council chamber, and that all persons interested will then be heard in the matter of such assessments. At such time and place such commissioners shall then meet and hear all persons interested, and said commissioners shall have power to administer

oaths and to take testimony in the matter and to make such changes in their assessment of damages and benefits as they shall deem just. After such review and correction the commissioners shall report their assessment to the common council, and the common council may either confirm or reject such assessment; and upon rejection of said assessment the common council may direct the city attorney to apply to the circuit court or a judge thereof for the appointment of three other commissioners. The city attorney after such directions shall thereupon give notice in the official paper of the city that at a time to be named in such notice, not less than ten days from the publication thereof, he will apply to the circuit court or a judge thereof (stating which) for the appointment of three other commissioners in said matter. At the time and place named in such notice such application shall be made, and like proceedings shall thereafter be had for the appointment of such new commissioners, and they shall be sworn and proceed in the assessment of damages and benefits in said matter as hereinbefore provided for the first commissioners. When there shall be any buildings on any lands so taken and the land and building shall be owned in severalty, or when land so taken shall be held under a lease, the awards of damages may be made in severalty to the owners of the land and the owners of the building, or to the landlord and the tenant.

Appeal from assessment to circuit court.

SECTION 48. Any person or persons owning or having any interest in any property affected by such assessment, may within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Racine county by filing with the clerk of said circuit court his notice of appeal, setting forth therein his interest in the premises and the grounds of his appeal, together with a bond for five hundred dollars ($500), conditioned for the payment of all costs that shall be adjudged against him on such appeal, which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit endorsed upon such bond, that he is worth five hundred dollars ($500) over and above all his debts in property not exempt from execution; and said bonds and sureties, if

objected to by the city attorney, shall also be approved by the judge of said court. Such appeal shall be ineffectual, unless the appellant shall also within said twenty days serve a copy of his notice of appeal and bond upon the city attorney. In case of any appeal under the provisions of this section, the city clerk shall send to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by the said commissioners as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court; and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal, upon their petition setting forth the nature and extent of such interest. If on such trial the benefits assessed by the commissioners shall be diminished, or the damages so assessed shall be increased, then, and in either case, the appellant shall recover costs on such appeal, otherwise the city shall recover costs. When the jury shall, by their verdict, award damages to the owner of any lot or part of a lot, and judgment shall have been rendered upon such verdict the city shall pay the amount of such judgment, and the costs, if any, recovered therewith, or make provision for the payment thereof, within one year after the same shall have been rendered; provided, that in case of an appeal from such judgment to the supreme court, the time of the pending of such appeal shall not form any part of such year. The common council of said city may within twenty days from the filing of said report of said commissioners with the city clerk, appeal therefrom to the circuit court of Racine county and the same shall be disposed of in same manner as other appeals provided for in said section, except the said city shall not be required to give a bond.

Appeal the only remedy.

SECTION 49. An appeal to the circuit court as provided in and by the foregoing section, shall be the only remedy for damages sustained by the acts or proceedings of the said city or its officers in the matter to which said assessment relates; and no action at law or in equity shall be had or

be maintained for such injuries or on account of such acts and proceedings.

When title to lands to be vested in city. Who entitled to damages awarded.

SECTION 50. Whenever the damages awarded to the owner by the report of the commissioners as confirmed by the common council, for any property condemned by said city for public use shall have been paid or tendered to such owner or his agent; or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the city clerk in the official paper, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city, to the same extent as streets, alleys and public grounds heretofore opened and laid out. The claimant of such damages shall in all cases furnish an abstract of title, showing himself entitled to the same before they shall be paid to him. If there shall be any doubt as to who shall be entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold said city harmless from all loss, cost and expenses, in case any other person should claim said damages, or may pay the amount of damages to the clerk of the circuit court of Racine county, and said court shall distribute the same as shall be deemed just. The damages assessed by the commissioners or awarded by the verdict of the jury, and judgment rendered thereon in case of appeal, shall be paid or tendered or provided in the hands of the city treasurer, and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official paper as herein provided, within twelve months after the rendering of such judgment, or after the confirmation of such assessment by the common council. In case no appeal shall have been taken, and if not so paid, or tendered or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; provided, that such period of twelve months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal. The benefits assessed and reported by the commissioners from the confirmation of such report by the common council,

shall be and remain a lien upon the premises so determined by the commissioners to be benefited by the taking and appropriating of lands to the public use as proposed.

Plats, lis pendens and final order to be filed.

SECTION 51. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate plat thereof to be made and filed in the office of the city clerk. The proceedings for the taking of lands for other purposes than streets or alleys shall conform as near as practicable to the proceedings hereinbefore set forth. And in all cases a *lis pendens* shall be filed with the register of deeds, and the final order for the taking of any lands to the public use shall be filed in the office of the register of deeds as provided by statute.

Confirmation of proceedings laying out streets and alleys, etc.

SECTION 52. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed, and all the streets and alleys heretofore laid out and opened by the common council, except such as have been legally vacated, are hereby declared public highways.

Chapter declared directory.

SECTION 53. All the foregoing directions given in this chapter shall be deemed only directory; and no error, irregularity or informality in any of the proceedings under the provisions of this title of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

Vacating highways, streets, alleys, etc.

SECTION 54. The common council shall have power, and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys and public walks, within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; provided, however, that no ordinance or resolution for the vacating of any street, alley or public ground, or any part thereof, shall be adopted unless such ordinance or resolution shall have been heard before the council, and notices of such hearing shall have been given as provided in section 40. On the vacation of any street, alley or public ground, or any part thereof, the common council shall, upon the request of any party interested, or may of its own motion, provide for the appointment of commissioners to assess damages and benefits,

and such assessment shall have the same force and effect as assessments made upon the opening of streets.

Streets and alleys in new additions to correspond in width, etc., with adjacent streets and alleys. Filing of plats; penalty for failure.

SECTION 55. In all cases where lands in the city shall hereafter be subdivided into lots and blocks, or where streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council of said city for their approval; and if such plat or map shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same and the evidence of such approval, in the manner prescribed in the revised statutes of this state, concerning town plats; but unless such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Racine county to receive such plat or map for record, or to record the same, and the same shall have no validity, and the person or persons neglecting or refusing to comply with the requirements of this section, shall forfeit and pay a sum not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000); and the register of deeds who shall record such plat without such copy of a resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty dollars ($50) nor more than one hundred dollars ($100). All forfeitures and liabilities which may be incurred and arise under and by virtue of this section, may be recovered in action by the city of Racine, and paid into the city treasury, for the use and benefit of said city. In case of the approval of any plat by the common council it shall be the duty of the proprietor thereof to immediately file an exact copy of said plat with the certificates attached in the office of the city clerk. In case of failure by the proprietor to file such copy, he shall be deemed guity of an offense and shall be liable to the same forfeitures

and penalties as hereinbefore prescribed in case of failure to present the original plat for approval.

Confirming plats of streets, etc., heretofore made.

SECTION 56. All streets and alleys which have been heretofore laid out or which may be hereafter laid out by the common council or otherwise, and which shall have been opened and used, or worked and improved for four years successively, shall be held to be public streets and alleys, and no defect or irregularity in the proceedings of opening the same, or in the direction thereof, shall affect the same.

TITLE VI.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Streets, etc., to be under control of council and board of public works. Grade of streets, etc. Assessment of damages caused by change of grade of streets.

SECTION 57. The common council, and under it the board of public works, shall have the care of the public streets, ways, alleys, grounds and parks. The streets shall be divided into a carriage-way and a sidewalk on each side thereof. The common council shall establish grades on all streets whereon grades have not already been established, and after the 1st day of January, 1892, no change shall be made in the established grade of any street, except with the consent of all the owners of the real estate upon or in front of which such change is proposed to be made, or excepting upon the vote of three-fourths of the members of the common council in favor thereof. When any owner of real estate shall have improved the same or erected substantial buildings thereon with reference to the established grade of the street in front thereof, and such grade shall thereafter be changed without his consent, and the street shall be ordered to be graded to such new grade, the board of public works shall assess the damages accruing to such real estate over and above any benefits, as in their opinion shall be inflicted upon the same by such change, and shall file such assessment of damages with the city clerk, who shall cause the same to be published in the official paper of the city and cause a copy of the same to be served by the police of said city upon all the resident owners of real estate interested in such assessment of damages. Every such owner

feeling himself aggrieved by such assessment, may demand a review of such assessment of damages by filing with the city clerk, within ten days after such service or publication, a notice thereof setting forth his interest in the premises and the grounds of his grievance, and his postoffice address, together with an undertaking with two sureties to be subject to the approval of the city clerk, that he will pay the cost of the proceedings in case his award of damages shall not be increased on such review. The city clerk shall submit all such demands and papers to the city attorney, and the city attorney shall cause to be served upon each of the resident owners, and forwarded by mail, postage prepaid, to every non-resident owner to his post-office address, a notice that he will at a time to be named in such notice, not less than ten days thereafter, apply to one of the justices of the peace of the city, naming him, for the appointment of three special commissioners to review the assessment of damages in said matter. At a time mentioned in such notice the city attorney shall apply to such justice for the appointment of three special commissioners to review the assessments of damages, and such justice shall appoint as such commissioners, three disinterested freeholders, residents of the city, and in making such appointments, the justice shall hear any objections of the parties interested, and shall examine such commissioners as to any interest they might have in the matter, and shall hear and decide any challenges for cause. The justice shall issue a precept to the chief of police to summon such persons appointed as commissioners to appear before him forthwith to be sworn and act as such commissioners, and the chief of police shall serve such precept by reading the same to the persons so appointed. If any of such appointees shall be excused from service, other persons qualified as aforesaid shall be appointed and summoned. Every person so appointed and summoned shall appear at the time named in such precept. Such commissioner shall thereupon make and subscribe an oath before such justice, that they will fairly and impartially review said assessments, and discharge their duties as such commissioners And after being sworn

such commissioners shall forthwith proceed to view the premises and assess the damages accruing to the premises of any of such owners who have demanded a review of the assessment of damages from the change of such grade, after deducting any special benefits which such premises may derive from such change. But no damages shall be allowed for injuries to any premises unless such premises shall have been improved or a substantial building shall have been erected thereon, with reference to such former established grade. The commissioners shall immediately after such assessments of damages make a return thereof, to the justice, which may be in the following form:

We assess the damages to (here briefly describe the premises) owned by (name the owner) at ..... dollars, and s. f. ...

Dated..... 18 ..

A. B.
C D. } Commissioners.
E. F.

The justice shall enter the proceedings and return on his docket and file all papers relating thereto in his office.

The justice shall receive for his service three dollars, and the commissioners shall each receive three dollars per day for their services. The city shall pay the amount of damages and said fees, but in case any of such appellants shall fail to recover a higher award of damages than awarded to him by the board of public works he shall repay to the city its cost for fees so paid, or when there shall have been several appellants, then his proper proportion thereof.

If any such commissioner shall fail to appear and serve, he shall forfeit to the city the sum of fifty dollars, and every such commissioner who shall accept any bribe to influence his decision, shall be guilty of a felony and shall be imprisoned in the state prison not to exceed three years.

The assessment of damages by the board of public works, unless appealed from as herein provided and the review and assessment of the commissioners shall be final and conclusive on the parties thereto, and such assessments of damages shall be the only remedy for the recovery of any

damages for injuries accruing from the change of the grade of any street in said city.

Report of board of public works.

SECTION 58. The board of public works shall annually on the first Monday in March, render a summary report to the common council of its proceedings during the year last past, and shall therein recommend the making of such further improvements (such as the board is not empowered to order on its own motion) as it shall deem most advisable, and the board may from time to time make such further recommendations to the common council as it shall deem best. The common council shall annually on the first Monday in May or as soon thereafter as practicable, determine the public improvements to be entered upon for the ensuing year, and such determination shall not be materially departed from. All public improvements except the repair of school houses shall be made under the supervision and direction of the board of public works.

First improvement to be grading.

SECTION 59. The first improvement to be made on an unimproved street or streets newly opened, shall be the grading thereof to an established grade to its full width, and the building of the necessary culverts over any water courses crossing the same, and the erection of such retaining walls to hold up embankments as the common council may determine.

Classification of sidewalks.

SECTION 60. The common council shall have power by ordinance to prescribe the width of the sidewalks, the lines upon which curbing shall be set, and what part of the sidewalk spaces may be used for the planting of shade or ornamental trees and the material of which sidewalks shall be built, and the manner of their construction; and classify the sidewalk according to their width and construction into three or more different classes, to be named No. I, II, III, etc., and when any person shall be notified to build or rebuild a sidewalk; according to such class, one, two, three, etc., such notice shall be a sufficient description of the sidewalk required to be built.

Building and repairing of sidewalks; gas, water and sewer pipes.

SECTION 61. The board of public works shall have power to require the owners of real estate to build, re-build, re-lay or repair sidewalks, hand rails, curbings and gutters in front of their property, and when a street or alley shall have been ordered to be paved or macadamized to re-

quire the owners of real estate fronting on the same to lay service gas pipe, water pipe or sewers from their curb lines to any gas or water pipe or sewer on such street or alley, at intervals of not less than twenty feet, and to cut down or remove any noxious trees, or any trees, fences, buildings or other structures, encroaching on any street or sidewalk, in front of their premises; to take down or remove any dilapitated building, ruins, walls or other structure, on their premises, endangering travel on the streets or sidewalks; to clear the sidewalks in front of their premises of snow, ice, rubbish, or filth; to require them to clean the alley adjoing their premises to the center thereof.

Work, how ordered done.

SECTION 62. When the board of public works shall deem it necessary to require any of the things or works mentioned in the foregoing section to be done, it shall make and enter an order requiring the same to be done or performed, briefly describing the real estate in front of which or upon which such work or thing shall be done and naming a reasonable time, after the service of such order, for the performance thereof; but the repairing of sidewalks, cleaning or clearing of sidewalks and alleys of snow, ice or rubbish may be ordered to be done forthwith.

Order to be served on owner; manner of service.

SECTION 63. If the owner of the real estate in front of which any such work as mentioned in the foregoing section, shall have been ordered to be done, shall be a resident of the city, a copy of such order shall be served upon him in the manner prescribed, for the service of a summons issued out of the circuit court; if such service can not be made, or if the owner be a non-resident, and such real estate shall be occupied by a tenant, a copy of such order shall be delivered to such tenant; if such non resident owner have a known agent residing in the city, such service may be made on such agent; or if his post-office address be known, a copy of such order may be mailed to his post-office address, postage prepaid.

When such service cannot be made on any of such owners, the board of public works shall cause such order or so much thereof as shall affect such owners on whom such service could not be made, to be published in the official paper at least twice

within ten days, and after the expiration of ten days from the first publication, such service shall be deemed sufficient and complete; provided, however, that notwithstanding any of the foregoing provisions, the board of public works shall have the power to cause any sidewalk which shall be in a dangerous condition for travel, to be repaired at once without notice, and to charge the cost thereof to the particular parcel of land in front of which such repairs shall be made, provided that the cost thereof shall not exceed five dollars per twenty feet frontage.

Failure of owner to construct; city to construct the same at owner's cost.

SECTION 64. All such improvements or work mentioned in section 61, shall be chargeable upon the particular parcel of land in front of or upon which the same shall be made or done. If after the expiration of the time fixed for the performance of such work or making such improvement, any part thereof remain undone, or if any owner shall have neglected to comply with such order made by the board of public works, said board shall cause such improvements to be made or work to be done, either by contract or by men in their employ; provided that the building of new sidewalks, handrails, curbings or gutters shall be let by contract to the lowest responsible bidder. And the cost of such improvements or works shall be assessed against the particular parcels of land in front of which the same shall have been done, and all such assessments shall be filed with and be recorded by the city clerk.

Council may order paving, grading and improvement of streets; plans, etc., of work.

SECTION 65. The common council may by ordinance or resolution order the grading, paving, macadamizing, graveling or other improvements of streets, alleys and public grounds, the laying and building of sewers, the building and repair of lake shore protection, the sprinkling of streets, the improvement and dredging of the harbor, the building and repair of docks along Root river, and the filling of the lots adjoining such docks, the abatement of nuisances upon private property. Before ordering such works or improvements the common council shall direct the board of public works to make and report to the council suitable plans, profiles, specifications or descriptions of such work with an estimate of the cost thereof, and after the same are submitted by said board and finally adopted by

the council after due consideration and making of such changes as the council may deem expedient, such plans, profiles, specifications or descriptions of such work shall be filed with the city clerk, and the ordinance or resolution of the common council ordering such work shall require the making of such improvements or doing such work in accordance with such plans, profiles and specifications filed with the city clerk, and such order may contain only a brief description of the work to be done with a reference to the plans, profiles, specifications or descriptions on file, or may set forth a full description thereof as may appear most practicable, and shall direct the board of public works to take charge thereof.

What notice to require; publication of and service of notice.

SECTION 66. Every ordinance or resolution requiring the building or repair of docks, the dredging of the harbor or river and filling of lots, or the abatement of nuisances on private premises shall require the respective owners of the real estate in front of or upon which such work is to be done, to build, re-build or repair such docks, to dredge the harbor to a distance of fifty feet from their dock lines, or to fill such lots, or to abate such nuisances within a reasonable time therein to be specified, but not to be less than ten days from the publication of such ordinance or resolution. The publication of such ordinance or resolution in the official paper of the city shall be a sufficient request upon such owners to perform such work or to make such improvements, but the board of public works shall cause such ordinance or resolution to be served upon the resident owners as hereinbefore provided for the service of orders for the building of sidewalks.

When owners neglect to do work, board may let contract and assess lot for cost of same.

SECTION 67. If, after the expiration of the time limited for the building or repairing of docks, filling of lots, dredging of Root river or abating any nuisance by the owners of property such work or improvement shall remain undone, the board of public works may advertise for bids and award the contract for such work, and the cost of such work done upon or in front of such real estate shall be charged and levied as a special assessment upon the several parcels of land in front of or upon which said work shall have been done, and such assessment shall be made by the board of public works and be filed with the city clerk.

OF THE IMPROVEMENT OF ALLEYS AND SPRINKLING OF STREETS AND ASSESSMENTS THEREFOR.

Paving of alleys, etc.; sprikling of streets.

SECTION 68. Alleys may be ordered to be graded, paved or otherwise improved, upon the petition of the owners of a majority of the frontage of the real estate fronting on such alleys, and the costs thereof shall be assessed on such real estate fronting thereon in proportion to the lengths of its respective frontage. Any street or part of a street may be ordered to be sprinkled upon the petition of a majority of the owners of lots or parcels of land fronting upon such street or part of street, and the costs thereof shall be assessed on the real estate fronting thereon in proportion to the length of its respective frontage, but the sprinkling of street crossings shall be paid by the city.

GRADING STREETS.

Order for grading may require other work to be performed.

SECTION 69. An order for grading streets may also provide for the erection of the necessary revetment or retaining walls, and for the purchase of the right of extending of embankments on adjoining property, and for the grading to a subgrade, and for filling the same to grade with gravel or other suitable material, and the grading and improving in such manner of several adjacent or intersecting streets may be ordered as one improvement, and not exceeding one-half of the costs thereof shall be assessed by the board of public works upon the real estate fronting on and adjacent to the streets improved, in the proportion as the several parcels of land shall be deemed to be benefited thereby; but the assessment district shall not extend further than one thousand feet on any street from the nearest point where any work shall be done in improving or grading the same, and the remainder of the cost to be paid by the city.

OF THE PAVING OR MACADAMIZING OF STREETS.

Costs of paving or macadamizing, how apportioned and defrayed; rules of assessment.

SECTION 70. The cost of paving or macadamizing any street shall be apportioned and defrayed as follows: First, one-third shall be apportioned to the city, and the other two-thirds shall be

equally apportioned for assessment to the adjoining blocks on the opposite sides of the street, and shall be assessed on the several parcels of land in proportion to their width or frontage upon or towards the street to be improved, subject to the following rules:

First. When a block is divided into one or more rows of lots fronting on streets, and such improvement shall be made in front of such rows of lots, the frontage assessment shall extend from the front to the rear of such lots, but when the improvement is made on the side of such row, the frontage assessment shall extend from the street even across lots a distance of one hundred and fifty feet, but not beyond the middle of such block.

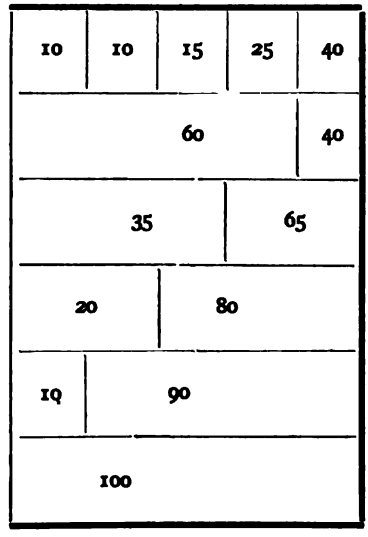
Second. When a block is not subdivided into lots or is subdivided into one row of lots only, or is irregularly divided, the frontage assessment shall extend to one hundred and fifty feet from the street so improved, but not beyond the middle of the block, unless the block shall be bounded on the opposite side of the street improved by Root river or Lake Michigan. But when the entire distance across the block shall be less than one hundred and fifty feet, the frontage assessment shall extend across the block.

Whenever the depth of the real estate from street to street shall be less than eighty feet the assessment shall nevertheless extend eighty feet, but the proportion of the assessment falling beyond the block shall be paid by the city; when the street to be improved shall intersect such other street in a sharp angle the average length of each parcel shall be taken as a basis of computation and the assessment shall be extended in the general direction of improvements and lines of ownership.

When the real estate or parcels of land over which such assessment shall extend as hereinbefore provided, shall be divided in ownership so that some parts of the parcel have no immediate frontage on the street improvement, the frontage assessment shall be apportioned so that the parts nearest to the street shall bear the higher *per cent.* of the assessment on the following basis: The first one fifth shall bear forty *per centum*; the second one-fifth twenty-five *per centum*; the third

one-fifth fifteen *per centum*, and the fourth and fifth one-fifths each ten *per centum* as illustrated:

Illustration.



When the first one-fifth part shall be owned in severalty the part thereof adjoining the street to be improved shall bear per foot in depth twice as much of the assessment as the inlying part of such one-fifth shall bear per foot in depth. (Suppose the one fifth is twenty-four feet deep, the part next to the street is ten feet deep, then it pays twenty parts and the inlying fourteen feet pay fourteen parts of the forty *per cent.* of the frontage assessment.) When the lines of the several ownership shall fall between the lines of any of the other one fifth divisions, the portion of such divisions shall be divided in proportion to the depth.

SEWERS.

Division of city in sewer districts and plans of sewerage for each district.

SECTION 71. The common council may divide the territory of the city into sewer districts and determine a plan of sewerage for each of such districts, or it may confirm the sewer districts now established by ordinance of said city and the several plans for sewerage of the same, or it may change such districts and plans, or either in such manner as it may deem best. After the fix-

ing of such sewer districts and adoption of plans for sewers, the common council may order such plans for any of such districts to be carried out and may order the whole of such sewer system in any district to be constructed at once, or in different parts at different times. The cost of the construction of such sewers or sewer systems shall be defrayed as follows: Every lot or parcel of land fronting or abutting on any street, alley or way whereon a sewer is contemplated to be built, shall upon the ordering of the building of any sewer in the street, alley or way adjoining thereon be assessed at the rate of sixty cents per foot frontage on such street, alley or way, but when any parcel of land undivided in ownership shall have sewer frontage on two or more sides, it shall be assessed on the shortest of such fronts if unequal in length and next upon the other front or fronts, but only for any frontage over and above one hundred feet. The balance of the cost of such sewers shall be paid by the city.

LAKE SHORE PROTECTION.

SECTION 72. Of the cost of any lake shore protection ordered to be built by the common council, one-half of such cost shall be assessed as special benefits upon the real estate within the following described districts, in such proportion as the several parcels of land shall be determined to be benefited thereby, to-wit: The eastern boundary of such district shall be the line of the proposed protection. The north and south limits respectively, of such district, shall be straight lines extending westerly from the north and south ends respectively of such protection and running parallel with the north lines and south lines of the several blocks through which the same shall pass and extending to the western boundary of such district, and the western boundary of such district shall be as follows: From Root river south to Tenth street such boundary shall be said Root river to the point where the east line of the College avenue extended northerly intersects the easterly line of said river, and from thence south to Tenth street such boundary shall be College avenue; from Tenth to Twelfth street it shall be Park avenue; from Twelfth to Sixteenth street it shall be Grand

Cost how assessed; districts.

avenue; from Sixteenth street to DeKoven avenue it shall be the east line of Franklin street extending southerly, and from DeKoven avenue to the southern limits of the city it shall be the present north and south boundary line between the Second and Sixth wards of said city; from Root river north to Hubbard street it shall be North Main street; from Hubbard street to High street it shall be North Erie street, and from High street to the northern limits of the city it shall be Green street; provided, however, that not more than ten thousand dollars ($10,000) shall be raised or expended in any one year for such improvement, exclusive of the amounts necessary to protect the easterly ends of the east and west streets abutting on Lake Michigan, and provided, further, that the expense of protecting the ends of such streets shall be borne wholly by the city of Racine, and the ends of such streets shall be protected and in like manner and with like material as the block or blocks contiguous thereto.

SPECIAL ASSESSMENTS REVIEW.

Assessments to be filed with city clerk.

SECTION 73. The special assessments mentioned in sections number 68, 69, 70, 71 and 72 shall be made by the board of public works, after the letting of the contract for the improvement, and shall be filed with the city clerk, and shall show the several and the aggregate amounts thereof, and the whole sum which will remain papable by the city out of its general fund.

Notices of assessment for various purposes to be published.

Notice of the assessments made for grading, graveling, paving, macadamizing or otherwise improving streets as hereinbefore provided, and for building of sewers and lake shore protection, shall be given by advertisement in the official paper or said city, that such assessment has been made and is ready for inspection in its office, and that the same will be open for review and correction by the said board, at one or more meetings of the said board to be held not less than ten days after the first publication of such notice, that all persons interested will then be heard by the board in objection to such assessment and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief, what such assessment has

been made for and in what locality, and no further notice or publication shall be necessary. At the time and place mentioned in such notice the board shall meet and hear all objections and evidence and keep minutes of their proceedings, and it shall have the power to review, modify and correct such assessment in such manner as it shall deem just, at any time during such review, and such assessment shall then be filed with the city clerk, after its review and correction.

Any owner of real estate so assessed who shall have appeared before said board on the review of said assessment, and being aggrieved by its decision, may appeal to the common council by filing a notice with the city clerk, within five days after filing of said assessment, setting forth the nature of his grievance, and the clerk shall lay such appeal before the common council, and the common council shall then hear the appellant and may adjourn and make its decision on such appeal as it shall deem just.

The city clerk shall keep a record of all such assessments and of the certificates of special assessments issued thereon.

CONTRACTS.

ADVERTISING FOR BIDS.

Contracts how let, advertisements for bids what to contain.

SECTION 74. Contracts for the performance of public works of which the cost is not directly chargeable against the particular lots or parcels of land in front of which such work is done, may be let by the board of public works immediately after such improvements shall have been ordered and the necessary estimates, plans and specifications shall have been made and adopted. And all public works or improvements, except such as the board of public works is authorized to make or to do by men in their employ, shall be let on contract in the following manner, to-wit: The board of public works shall advertise for bids for the making of such improvements, and such work may be let in sections or parts or by the lineal, superficial or cubic measure, or as a whole, as may

be deemed most advantageous to the city and the tax payers.

Such advertisement shall contain a brief statement of the work to be let and that the same is to be done according to the plans or profiles, specifications or descriptions thereof, made and filed in the office of the city clerk, and of the time within which such work shall be done, and when and how payment therefor will be made, and that every bidder shall accompany his bid with a sum of money or certified check payable to the city treasurer of not less than ten *per centum* of the estimated cost of the work to be let, to be forfeited to the city if after the award of the contract to him and notice thereof of five days he shall fail to enter into a contract therefor with the city and give bond with sufficient sureties to the city in a sum not less than the estimated cost of such work. It shall further state the time within which such bids will be received and that they are to be filed with the city clerk. Printed forms for proposals shall be prepared and furnished to bidders, at their request, by the city clerk.

EXAMINATION OF BIDS AND AWARD OF CONTRACT.

Board to open and consider bids; successful bidder to sign contract and file security within five days.

SECTION 75. At the expiration of the time for the filing of bids, the city clerk shall deliver the bids filed to the board of public works, and it shall immediately proceed to open and examine such bids and shall reject all bids not conforming to the advertised notice, and it may reject all bids of irresponsible or incompetent bidders and shall award the contract to the lowest responsible and competent bidder; but any member of such board of public works may demand that the decision of the award be submitted to the common council for its decision. If after the award of the contract, the successful bidder shall neglect to enter into such contract with the city and to give a bond with sufficient sureties within five days after notice to him of the award of the contract, the sum of money or check accompanying his bid shall be forfeited and paid into the city treasury; and in such case the contract may be awarded to the next lowest responsible bidder or new proposals may be advertised for in the same manner as hereinbefore described, and the

board of public works may, whenever it shall have reason to believe that the bids offered are too high by reason of the combination of bidders or otherwise, reject all bids and readvertise for new bids.

THE CONTRACT.

SECTION 76. All contractors doing any work upon any streets or sidewalks shall put up and maintain sufficient barriers, guards and lights to prevent accidents and shall be liable for all accidents caused by the failure to do so. Contracts what to contain.

All contracts shall contain a provision covering this liability, and shall contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from any carelessness of such contractor in the performance of such work.

All contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties, and that such work shall be done to the approval of the board and the estimate of the work by the city engineer shall be conclusive on the parties thereto.

All contracts for the performance of work for which special assessments are authorized, shall contain a provision that the contractor shall receive in payment the certificates of special assessments upon the particular lots or parcels of land liable to be assessed therefor; and shall further require that in case said assessments or any part of them be not paid to the proper officers before the sale of the respective parcels of land for said assessment by the county treasurer, such contractor shall accept and receive in exchange for such certificates of special assessment the certificate of tax sale upon such particular lot or parcel of land, and that he will pay the costs of such sale and shall receive no money and the same from the city until the money due on such special assessments or tax sales shall have been actually paid into the city treasury.

Certificates of assessment to be issued to contractor; record of same; certificates how collected; shall be liens on lots when work done.

SECTION 77. After the performance of any contract of work, the board of public works shall certify the fact to the city clerk, and the mayor and city clerk shall execute and deliver to the contractor the certificates of special assessment, certifying that there is due to the contractor for certain work done a certain sum of money which has been assessed against the particular parcel of land to be therein described. It shall be the duty of the clerk to keep a register of all certificates issued against lots and countersigned by him, which said certificates may be paid to the city treasurer at any time before the return of the delinquent tax list to the county treasurer of Racine county; and said city treasurer shall receive the amount paid on such certificates and hold the same for the benefits of the owners of such certificates, and such owners shall be entitled thereto upon producing and surrendering such certificates to be cancelled; and if the amount thereof shall not be paid before the time of making out the annual tax list, the same shall be levied upon said lots or parcels of land respectively and collected for the use and benefit of the holders of such certificates; and if the same shall not be paid at the time of the return of said delinquent list, they shall be included in said delinquent list, and they shall be designated on said list as special assessments, and for whose benefit the same are to be collected; and the said lots shall be advertised for sale by the county treasurer in the annual tax sale list, and if not redeemed, shall be sold by said county treasurer, and the city treasurer shall be present at such sale, and if no bids be received, shall bid off said lots and parcels in the name of and solely as agent for said contractor, and said county treasurer shall turn over the certificates upon any lots so bid in by said city treasurer, to said city treasurer, upon his receipt therefor, and the city treasurer shall thereafter hold the same as agent for said contractors, and turn the same over to said contractors on surrender of the special assessment certificates previously issued, and payment of the expense of sale; or, if the same be paid, said city treasurer shall receive the moneys due thereon and deliver the same, except said expense of sale, to said contractor on surrender of said special assessment certificates.

All sales for such special assessments shall be made separate and distinct from any other taxes which may be due on the same lands, and the certificates of sale on said special assessments shall be a lien subsequent only to the lien of any state, county, city or other taxes for the same year. Tax deeds may be issued on said special assessment sales with the same effect as upon other tax sales except as herein provided.

All certificates issued under and in pursuance of any of the provisions of this title shall be liens upon the lots or parcels of land against which the same shall be respectively chargeable, from and after the time when such certificates shall be countersigned and registered by the city clerk.

After the return of such special assessments to the county treasurer they may be paid to such treasurer on the same conditions as other taxes, and when sold the certificates of sale shall bear the same interest as other tax certificates.

IMPROVEMENT BONDS.

Improvement bonds may be issued in lieu of assessment certificates at option of owner of lot; how collected.

SECTION 78. When a contract is let, or about to be let, for paving or macadamizing any street, building, sewers or lake shore protection, it may provide that the amounts chargeable as special assessments may be paid in certificates or in improvement bonds or both, and the advertisement for bids may contain such provision.

The owners of real estate assessed for the paving or macadamizing any street, or for the building of sewers, or for building lake shore protection, may at any time before the issue of special assessment certificates to the contractor, file a notice with the city clerk that they prefer that improvement bonds be issued against their property, describing the same, in lieu of special assessment certificates, and if the aggregate amount of the assessment on such owners exceeds the sum of three hundred dollars, the common council shall order the issue of one or more of such improvement bonds, covering all of the assessments in relation to which such notice was given. Said bonds shall be signed by the mayor and city clerk and sealed with the corporate seal of the city, and shall contain such recitals as may be necessary to show that they are chargeable to

whatever in their judgment shall be needful to carry out such measures. Every person who shall disobey any order of the board of health which shall have been personally served upon him requiring him to abate or purify any premises owned or occupied by him in the manner or at the time described in the order, shall, on complaint of the board of health or any member thereof, or any person serving such order before any justice of the peace of said city, be liable to arrest and summary trial and punishment by fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Removal of nuisances from property of non-resident owners.

SECTION 86. It shall be lawful for the board of health in all cases where they may deem it necessary for the more speedy execution of their orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city and also to cause any such nuisance or nuisances, which may exist upon the property of non-resident owners or upon property the owners of which can not be found or are unknown and cannot be ascertained, to be abated or removed, in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisances in such cases shall be a lien in the same manner as any tax upon real estate, upon the lots or premises, from or upon which such nuisances shall be abated or removed; the board of health, by their president shall certify to the city clerk the description of such property and the cost of abating or removing such nuisance or nuisances thereon, and the city clerk shall include the same in his annual schedule of lots subject to special taxation; and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected in said city; provided, that the common council shall, from time to time, on application of said board of health, appropriate and set apart out of the general fund of said city, such means as the council in its discretion shall deem necessary for the purposes of this title, and the expenses which the said board are authorized by this section to incur, shall be paid exclusively out of the funds so provided by said city, and said board shall not be authorized to create any liabil-

ity on the part of the said city, in excess of the sums which shall have been appropriated and set apart as aforesaid for their use.

Destruction of articles dangerous to health of inhabitants, pest houses and medical attendance for sick.

SECTION 87. It shall be the duty of the board of health, by resolution, to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or any other articles found within said city, which in their opinion will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and they may employ such persons as they may deem proper to remove or destroy such articles, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding three months, or both. It shall also be their duty to procure suitable places for the reception of persons sick of any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendance and provisions, and to forbid and prevent any communication with any house of family infected with any contagious disease, except by physicians and nurses.

Business detrimental to public health to be discontinued.

SECTION 88. It shall be the duty of the board of health on complaint being made to them, or whenever they shall deem any business, trade or profession carried on by any person or persons, or corporation in the city of Racine, detrimental to the public health, to notify such person or persons or corporation to show cause before the board of health, at a time and place specified in such notice why such business, trade or profession should not be discontinued or removed, which notice shall not be less than three days (except that in cases of epidemic or pestilence the board of health may by general order, direct a shorter notice, not less than twenty-four hours), and may be served by leaving the same at the place of business or residence of the parties to be effected thereby. Cause may be shown by affidavit, and if, in the opinion of the board of health, no good and sufficient cause be shown why such business, rade or pro fession should not be discontinued or temoved, the board shall order the said parties ro discontinue or remove the same within such

whatever in their judgment shall be needful to carry out such measures. Every person who shall disobey any order of the board of health which shall have been personally served upon him requiring him to abate or purify any premises owned or occupied by him in the manner or at the time described in the order, shall, on complaint of the board of health or any member thereof, or any person serving such order before any justice of the peace of said city, be liable to arrest and summary trial and punishment by fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Removal of nuisances from property of non-resident owners.

SECTION 86. It shall be lawful for the board of health in all cases where they may deem it necessary for the more speedy execution of their orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city and also to cause any such nuisance or nuisances, which may exist upon the property of non-resident owners or upon property the owners of which can not be found or are unknown and cannot be ascertained, to be abated or removed, in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisances in such cases shall be a lien in the same manner as any tax upon real estate, upon the lots or premises, from or upon which such nuisances shall be abated or removed; the board of health, by their president shall certify to the city clerk the description of such property and the cost of abating or removing such nuisance or nuisances thereon, and the city clerk shall include the same in his annual schedule of lots subject to special taxation; and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected in said city; provided, that the common council shall, from time to time, on application of said board of health, appropriate and set apart out of the general fund of said city, such means as the council in its discretion shall deem necessary for the purposes of this title, and the expenses which the said board are authorized by this section to incur, shall be paid exclusively out of the funds so provided by said city, and said board shall not be authorized to create any liabil-

ity on the part of the said city, in excess of the sums which shall have been appropriated and set apart as aforesaid for their use.

Destruction of articles dangerous to health of inhabitants, pest houses and medical attendance for sick.

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Business detrimental to public health to be discontinued.

SECTION 88. It shall be the duty of the board of health on complaint being made to them, or whenever they shall deem any business, trade or profession carried on by any person or persons, or corporation in the city of Racine, detrimental to the public health, to notify such person or persons or corporation to show cause before the board of health, at a time and place specified in such notice why such business, trade or profession should not be discontinued or removed, which notice shall not be less than three days (except that in cases of epidemic or pestilence the board of health may by general order, direct a shorter notice, not less than twenty-four hours), and may be served by leaving the same at the place of business or residence of the parties to be effected thereby. Cause may be shown by affidavit, and if, in the opinion of the board of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed, the board shall order the said parties to discontinue or remove the same within such

time as the board may deem reasonable and necessary, and the order of the board shall be final and conclusive.

Penalty for refusal to obey order of board of health.

SECTION 89. Any person or persons failing or refusing to obey such lawful order of the board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment of not more than three months, or by both such fine and imprisonment, and such person or persons shall be subject to like punishment for each and every day that he, she, or they, shall continue such business, trade or profession, after the expiration of the time specified in the order of the board of health for the discontinuance or removal of the same.

Service of notices how proven.

SECTION 90. In all trials for violation of the provisions of this title, the *ex parte* affidavit of service of any order, notice or requirement of the said board of health, purporting to be made by the person who made such service, and stating the time, place and manner of the service, shall be deemed and taken as a *prima facie* evidence of the due service of such order, notice or requirement in all trials in any court.

Dispositions of fines.

SECTION 91. All fines mentioned in this chapter shall be collected as other fines and when so collected shall be paid into the city treasury and credited to the contingent fund.

Power of board during epidemic disease.

SECTION 92. The board of health, during the prevalence of Asiatic cholera, or any epidemic disease, shall have power when by them it is deemed necessary, to take possession of and occupy as temporary hospitals, any building or buildings in the said city; but the city of Racine shall pay for the use of such property, so taken, a just compensation.

Duties of practicing physicians as to reports concerning diseases of patients.

SECTION 93. It shall be the duty of each and every practicing physician in the city of Racine: 1st. Whenever required by the board of health of said city to report to said board, at such time and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease, attended by such physician for the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease. 2d. To report in writing to said board of health every patient he shall have,

laboring under any pestilential, contagious or infectious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease. 3d. To report in writing to the board of health, when by them required, the death of any patient who shall have died of any disease within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

Penalties for neglect of above.

SECTION 94. Any practicing physician who shall neglect or refuse to perform the duties required of him by or in any section of this title, shall be considered guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars for each offense.

Tax to pay expenses of board of health.

SECTION 95. The common council of said city shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and all other employes which the said board of health are authorized to appoint by this title, and for all necessary expenses incurred by said board in the performance of the duties prescribed in this title, and such expenses shall be audited and allowed, and paid as other expenses of said city.

Further duties may be required of board of health.

SECTION 96. The common council of the city of Racine shall have power to further define the duties of the board of health, and to pass such ordinances in aid of the powers of the board of health as may tend to promote and secure the general health of the inhabitants of said city.

Police, magistrates, civil officers and citizens required to assist board in performance of duty.

SECTION 97. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers, and all citizens of the state, to aid, to the utmost of their power, the board of health and the officers mentioned in this title, in the performance of their respective duties, and on requisition of the president of said board of health officers, it shall be the duty of the police of said city to serve the notices of said board, and to perform such other duties as such board may require.

TITLE VIII.

FINANCE AND TAXATION.

Annual tax levy, purpose of tax.

SECTION 98. The common council shall annually on or before the first regular meeting in September, levy a tax upon all the taxable property in said city, sufficient to pay the salaries of its officers and to meet the interest on the corporate debt and for the purposes hereinafter named, to wit:

1. For a sinking fund a sum not less than five *per centum* on the dollar of the corporate debt.

2. For school purposes, including the repair of school houses and incidental expenses, a sum not to exceed thirty-five thousand dollars

3. For the lighting of streets and public grounds a sum not to exceed twelve thousand dollars.

4. For the maintenance of the fire department a sum not to exceed sixteen thousand dollars.

5. For the payment of hydrant rentals a sum not to exceed fifteen thousand dollars.

6. For a police fund from which the salaries of all police officers shall be paid, a sum not to exceed ten thousand dollars.

7. For a contingent fund from which all expenses for elections, printing and all expenses for which no other fund is provided for, shall be defrayed, a sum not to exceed five thousand dollars.

8. For a general improvement fund, such sum as the common council may determine, provided that the aggregate sum of such tax levy shall not exceed one and three-fourths *per centum* on the dollar upon the valuation of the taxable property in said city as assessed by the assessors for such year. From such general improvement fund shall be defrayed the expense of cleaning, repairing and improving public streets and grounds over and above any special assessments made therefor, the cost of building and repairing lake shore protections and of improving the harbor over and above any special assessments made therefor, the building and repair of bridges, culverts, the repair of public buildings, except of school buildings or fire department buildings, and all other

expenses for public improvements not chargeable to other funds or not otherwise provided for.

All moneys received for fines or penalties, and for licenses of any kind shall constitute the poor fund, from which the poor of the city shall be supported or assisted and from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund and general improvement fund. The relief of the poor shall be regulated by the common council.

All delinquent taxes and remittances shall be charged against the contingent fund and all receipts for interest on taxes and other incidentals shall be credited to said fund.

Money collected, how divided and disbursed.

SECTION 99. The sums levied and raised for said several purposes and the moneys received into the treasury shall belong to the several funds, and separate accounts of all receipts into and disbusements from such several funds shall be kept by the city clerk. Disbursements from any of said funds, excepting from the school fund, the interest fund and sinking fund shall be only made upon warrants or orders thereon signed by the mayor and city clerk duly authorized by the common council, which shall designate the name of the payee, the sum and the debt, for which, and the particular fund from which such sum is to be drawn, and all warrants or orders upon the city treasurer shall be drawn on the particular fund from which the debt is properly payable. No warrant shall be drawn on the city treasury unless the fund from which it is payable shall be good for the amount thereof and the city shall not be liable on any warrant drawn in violation of this provision, but the officers drawing such warrant, shall be personally liable thereon.

Issue of bonds for building school houses and bridges and improving harbor.

SECTION 100. The common council by a vote of two thirds of its members, shall have power to issue the corporate bonds of the city, bearing not to exceed five *per cent.* interest *per annum*, payable annually or semi-annually, running not to exceed twenty years from their issue, and made payable at the office of the city treasurer or at some national bank, for the purpose of building school houses and bridges, and for the improvement of the harbor. And after the corporate

bonds of said city, issued by authority of chapter 42, of the laws of 1871, shall have been reduced by payment to a sum not exceeding forty thousand dollars, bonds may be issued as aforesaid to defray the charge upon the city for the building of sewers and paving streets and for other public improvements; provided, that the corporate debt shall not be increased beyond the sum of two hundred and twenty-five thousand dollars, unless the question of issuing any bonds beyond said amount shall have been submitted to the vote of the electors of said city and a majority of such electors voting on such question shall have voted in favor thereof.

Existing ward funds to be used for lighting, cleaning and repairing of streets.

SECTION 101. The existing ward funds shall be used and applied to defray the cost of lighting the streets in the respective wards, and for the cleaning and repairing of said streets. The board of public works shall, during the existence of said ward funds have charge of such street work, and cause such work to be done as may be directed by the aldermen of the respective wards at the expense of such ward funds, and it shall on the first Monday of every month report to the common council the work so done and the cost thereof.

TITLE IX.

ASSESSMENT AND COLLECTION OF TAXES.

Preparation of tax roll and abstract of assessment and statistics.

SECTION 102. After the completion of the assessment and correction of the assessment roll returned by the assessors, the city clerk shall within the time prescribed by law, make an aggregate abstract of the assessment and statistics required by law, and return the same to the county clerk of Racine county in pursuance with the general law; he shall also prepare a tax roll in the usual form with appropriate columns and headings for general, city, school, state and county taxes, and special assessments, on which he shall carry out, opposite to the description of each parcel of land, and to the name of each person taxed, the appropriate proportion of the state, county and school taxes, as certified by the county clerk of Racine county as the apportionment of

taxes against the city, and the city taxes and special assessments levied by the common council. To such tax roll shall be annexed a warrant signed by the mayor and city clerk and sealed with the corporate seal of the city, directed to the city treasurer, commanding him to collect the taxes and assessments therein specified. Such roll shall be delivered to the city treasurer on or before the second Monday in December in each year, and before being delivered to said treasurer shall be compared by the clerk with the corrected assessment roll; and he shall append to it his certificate that the same has been so compared by him and that the said assessment roll and the whole thereof has bean copied by him into said tax roll; and said tax roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Delivery of tax roll to city treasurer, when.

SECTION 103. The city treasurer shall, within ten days after the receipt of the tax roll, publish a notice in the official paper of the city and in such other local paper as he shall deem proper, specifying that all taxes and assessments, whether upon real or personal property in said tax roll, shall be paid before the 10th day of January next ensuing, and that all taxes on personal property not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes, and the publication of such notice shall be deemed and taken to be a demand, and a failure to pay the taxes a refusal to pay the same. The city treasurer shall charge no fees for collection of taxes and assessments paid to and collected by him prior to the 10th day of January of each year, and shall charge and collect five *per cent.* upon all taxes and assessments remaining unpaid on the 10th day of January of each year, unless the time of collection shall be extended by the common council.

City treasurer upon receipt of tax roll, to proceed to collect taxes; notice.

SECTION 104. At the expiration of the time specified for the collection of taxes the city treasurer shall proceed to collect the personal property taxes remaining unpaid, by seizure of the goods and chattels of the respective firms and corporations, and he shall have the same power

to collect, such taxes and to levy the same by distress and sale of the goods and chattels of the person or corporation owing such taxes, and to sue for the same as is, or may be given to town treasurers. And the city treasurer may make a list of such delinquent taxes on personal property and attach thereto his warrant directed to the chief of police of the city, requiring and commanding him to collect such taxes of the persons or corporations liable to pay the same, by the seizure and sale of their goods and chattels. The chief of police shall proceed to collect such taxes as directed and make return of the warrant within the time to be specified in such warrant, to the city treasurer, and the chief of police shall have the same power to collect and levy such taxes by distress and sale as is given to the city treasurer, and to his return he shall annex his affidavit that after diligent search he has been unable to discover any goods or chattels belonging to persons or corporations charged with such personal property taxes as then shall remain upon his tax list. The chief of police shall receive as compensation, five *per cent.* collection fees upon all taxes by him collected, and in addition thereto, in case of a levy and sale, such further fees as are allowed to constables upon a levy and execution. The chief of police before receiving such tax list, shall execute to the city treasurer a bond in such penal sum as the treasurer shall require, conditioned that he will account for and pay over to the city treasurer all taxes by him collected and make due return of his warrant as required.

Collection of personal property taxes.

Taxes to be paid over to county treasurer.

SECTION 105. The city treasurer shall pay to the county treasurer of Racine county, the state taxes apportioned to the city at the time provided by law, and shall at the expiration of the time set for the collection of taxes pay over to the said county treasurer, the amount of the county taxes apportioned to the city and the amount of the indebtedness to the county as certified by the county clerk in cash. And at the same time he shall make a return to the county treasurer of the delinquent taxes and assessments on real estate remaining unpaid on the tax roll, in manner and form, as near as may be, as required by law of the town treasurers, except that the affidavit to such returns shall be sufficient if it state that the

Returns of delinquent taxes.

facts stated in his return are true, and that the taxes and assessments returned as delinquent were duly demanded and have not been paid. In said return the special assessments which are the property of any contractor with the city, shall be set out separately, and if any of them shall remain unpaid at the time of the sale of lands for delinquent taxes, the lands upon which such assessments remain unpaid shall be sold for such assessments separately, and separate certificates of sale distinct from other taxes shall be issued thereon as provided in section 77 of this act; but all other special assessments which are not the property of any contractor shall be returned and be included in the tax sale with other taxes.

How delinquent taxes may be discharged.

SECTION 106. The taxes and assessments returned to the county treasurer as delinquent may be discharged in the same manner as provided by section 1129, of the revised statutes, and the general law of the state shall be applicable to the collection of such taxes and assessments by the county treasurer to the sale of such delinquent lands, and to the redemption or conveyance of the same, except as otherwise provided in this act.

On sale of delinquent lands city treasurer to receive amount of taxes.

SECTION 107. Upon the sale of the delinquent lands by the county treasurer, the county treasurer shall pay to the city treasurer the amount of the taxes and assessments returned on the delinquent list together with the interest thereon received by him either in cash or certificates of sale upon such delinquent lands.

Collection of personal property tax.

SECTION 108. The city treasurer may at any time after his return of delinquent taxes on real property, proceed in the collection of any taxes on personal property remaining unpaid, and may issue new warrants for the collection of personal property taxes to the chief of police, and may in such lists include unpaid personal property taxes for any previous years; and such taxes may be collected in the same manner as herein prescribed.

Directions herein given shall be deemed only directory.

SECTION 109. All directions herein given for the assessments of lands, and levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in any of the proceedings of any of the officers entrusted with the same, not effecting the substantial jus-

tice of the tax itself, shall vitiate or effect the validity of the tax so assessed.

When council may remit, annul or cancel tax.

SECTION 110. After the tax roll shall have been delivered to the city treasurer, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property, except in the following specified cases:

1st. When a clerical error shall have been made in transcribing the assessment from the assessment roll to the tax roll or in the extension of the tax.

2d. When by error of the assessors, improvements shall have been assessed on the wrong parcel of land.

3d. When the property taxed shall be exempt from taxation.

4th. When a person has been assessed the same year for the same personal property in more than one ward.

Treasurer and chief of police liable on official bonds for default or negligence.

SECTION 111. The city treasurer and chief of police shall be liable, on their respective bonds, for any loss accruing by their default or negligence in the collection of taxes under the warrants directed to them.

TITLE X.

PUBLIC SCHOOLS.

Board of education, how composed; to have management of public schools.

SECTION 112. The public schools in said city shall be under the supervision and management of the board of education, consisting of two commissioners from each ward.

Meeting of board; officers; salary of clerk and his duties.

SECTION 113. The board of education shall hold such regular stated meetings, and other meetings, as they shall determine, and the president of said board shall call special meetings when requested by at least two members of said board, and a majority of all the members of said board shall constitute a quorum. The board of education shall elect from its members a president to preside at its meetings, and in his absence a president *pro tempore* may be appointed, who for the time being shall possess all the authority of the president. Said board shall appoint a clerk whose salary shall not exceed one hundred and

fifty dollars ($150), and it shall be his duty, under the directions of the board, to keep a record of the proceedings thereof in a book to be provided for that purpose. He shall also enter therein, or in a book specially provided for that purpose, copies of all official reports made by the board or the superintendent. He shall keep and preserve all papers, books and records, or other property belonging to his office, and deliver the same to his successor, or to the common council. The board of education shall employ some suitable person to take the school census of children in the city over the age of four and under the age of twenty years, and shall pay reasonable compensation for such service.

Powers and duties of board.

SECTION 114. The said board of education shall possess the following general powers and duties:

1st. To establish, organize and maintain such, and so many, schools in said city or the several wards thereof as they may deem necessary and expedient, and to alter and discontinue the same.

2nd. To have the custody and safe keeping of the school houses, out-houses, books, furniture, library, and all the property appertaining to the public schools of the city.

3rd. To contract with and employ on behalf of the city all teachers in the common schools and the high school, who shall have been licensed by said board and at their pleasure to remove them.

4th. To repair school houses and out-houses, and enclose and improve the school house sites and grounds.

5th. To purchase and contract for the furnishing of fuel for the use of the schools, and to purchase, exchange, improve and repair school apparatus, furniture and appendages, to pay and defray the expenses of the school library, and to furnish school books for indigent pupils.

6th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their government, organization and instruction, for the reception of pupils, and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility.

7th. To regulate the admission of children of non-residents to the schools in said city, and to establish and collect tuition fees.

8th. To prepare and report to the common council such ordinances and regulations as may be necessary and proper for the protection, safe keeping, care and preservation of school houses and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and suggest proper penalties for the violation of such ordinances and regulations, and to determine and certify to the common council of said city on or before the first Monday in August in each year the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the amounts required for the payment of teachers' wages, salary of the superintendent and janitors, for the purchase and repair of furniture, apparatus, books, fuel, for the repair and improvement of buildings and school house sites, the expenses of the library, and for the defraying of any other contingent expenses.

When work or labor, and furnishing of supplies to be let by contract.

SECTION 115. All work and labor when the value thereof shall amount to over fifty dollars ($50), necessary to be done for said schools (excepting teaching), and all materials to be provided for the use of the same that are of such a nature as to admit of it, shall be let to the lowest competent and responsible bidder, for which the clerk shall advertise and receive proposals in a public manner. And no member of said board shall either directly or indirectly, have any pecuniary interest in any such contract.

School fund, how disbursed.

SECTION 116. All moneys raised for school purposes and received into the school fund of said city, from whatsoever source, shall be liable to be drawn therefrom for the purposes authorized by this act, by the order of the board of education, directed to the city treasurer, and signed by the president of the board and clerk, and countersigned by the city clerk, and specifying the purpose for which it was drawn, and naming the amount of the sum for which it is drawn, and the person to whom it is payable.

City clerk to keep account of expenditures for school purposes.

SECTION 117. All contracts entered into by the board of education (excepting the employment of teachers), shall, before they shall have any validity, be countersigned by the city clerk, who shall

keep an account of the liabilities incurred by the board for each current year; and the amounts required for teachers' wages, salaries of the superintendent, and other persons employed on a salary, and for the purchase of fuel, and the amounts required for the payment of all such liabilities incurred shall be set apart for such purpose, and shall not be drawn from the school fund for any other purpose. No expenditure shall be incurred, no liability created, or contract entered into in excess of the amount of money raised for the school fund and available for such purposes. And all agreements and contracts entered into in violation of this provision shall be null and void and of no force against said city, and no money shall be drawn from the school fund on account thereof.

Money to be drawn from fund only on affirmative vote of majority of board.

SECTION 118. No appropriation of money shall be made or order on the school fund be drawn or any liability incurred, or expense authorized by the board of education except upon the affirmative vote of a majority of all the members of the board; and upon all appropriations, propositions creating any charge or liability against the school fund, the ayes and noes shall be called, and such vote and the names of all the members of the board either voting in the affirmative or in the negative, shall be recorded in the record of proceedings of the board. Any and all members of the board of education who shall create any liability, enter into any contract on behalf of the city, or who shall vote to create any liability or expenditure, or for any appropriation of money from the school funds beyond or in excess of the amounts authorized, or against the provisions of this act, shall be jointly and severally liable to any person or corporation for the amount of such contract or the excess thereof, or for the injury sustained by any person by reason thereof.

Report o board.

SECTION 119. It shall be the duty of the board of education to report to the common council on the first Monday in August of each year, the condition of the several schools in said city, the average number of pupils in attendance, the names and rates of compensation of the several teachers, the cost of supporting each and all of said schools since their previous report, together with the estimated cost thereof for the ensuing year.

Superintendent of schools.

SECTION 120. The board of education may elect some competent person superintendent of schools of said city, who may act as clerk of said board of education, and the said board shall fix the salary of such superintendent which shall be paid out of the school fund and shall not exceed the sum of fifteen hundred dollars ($1,500) *per annum.*

Powers and duties of superintendent.

SECTION 121. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making application for schools (examinations to be public and in the presence of the board), shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to common schools. He shall visit the common schools of the city at least during each month, and report from time to time their condition to the board, with such suggestions for their improvement as he may deem proper. He shall also perfrom such other duties with respect to such schools as the board may assign to him.

Superintendent's report.

SECTION 122. It shall be the duty of the superintendent annually at the time and in the form as required by section 463 of the revised statutes to make report of the public schools and the number of children of school age.

Title to school property to be in city of Racine.

SECTION 123. The title to all school property, real, personal or mixed, now in said city, as well as that hereafter acquired for school purposes, shall be vested in the city of Racine, and shall not be subject to taxation, nor be levied upon and sold by virtue of any warrant, execution, judgment or decree, and the said city in its corporate capacity shall be authorized to receive and hold, or dispose of any real or personal estate transferred to it by grant, devise or bequest, for the use of the public schools of said city.

TITLE XI.

OF THE POLICE AND EXECUTION OF THE LAWS AND ORDINANCES.

Penalty for disturbing public peace by drunkenness, boistrous revelry or obscenity, etc

SECTION 124. Any person who shall be found in or upon the public streets, alleys or grounds or public places in said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, or of any improper noise or disturbance, or indecent exposure of his person, or of firing any gun or pistol, or of fighting or threatening to fight, shall be deemed guilty of an offense, and it shall be the duty of the city marshal and all police officers of said city, and they are hereby authorized and required to summarily arrest and take before any justice of the peace of said city any person offending as aforesaid, or who shall in any other manner be engaged in violating any provisions of this act or ordinance made or to be made in pursuance thereof, or any ordinance existing at the time of the passage of this act, and herein declared to be in full force until altered or repealed, and said justice shall have power to hear, try and determine all such offenses, and any person convicted of any offense specified in this act or in any ordinances in force in said city, where no other punishment is specified by law or by any ordinance of said city, shall be punished by a fine of not less than three dollars ($3), nor more than fifty dollars ($50), and costs of prosecution, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days in the discretion of the justice. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and expenses of imprisonment to the sheriff or other officer having charge of such jail or lock-up; provided, that whenever any person shall have been sentenced by any justice of said city for the violation of any of the provisions of this act or of any ordinance of said city, and such person shall have been committed to the county jail on the non-payment of the fine and costs im-

posed until such fine and costs are paid, said justice or his successor in office may, after such person shall have been confined for ten days, order such prisoner to be brought before him, and if upon further examination it shall appear to him that the public good requires that such person be discharged, he may order the discharge of such prisoner from such confinement.

Duty of marshal or police officers.

Commitment of prisoner without process, when.

SECTION 125. Any officer making any arrest under the provisions of this act may, if necessary, commit the person arrested to such jail or lock-up without process; provided, that if such officer does not demand the person so committed within twenty-four hours (Sunday excepted) after such committal, the officer having charge of such persons shall discharge the persons so arrested from confinement. In case any person or persons so arrested shall be discharged before being taken before such justice, the marshal or police officer making such arrest shall not be entitled to, or have or receive from the city any fees on account thereof.

Disposition of fines.

SECTION 126. All fines collected in pursuance of this act shall be paid into the city treasury by the person receiving the same, immediately after the recept thereof.

Forms.

SECTION 127. The following or equivalent forms may be used in proceedings under this act, or in any proceedings for any violation of the charter or any ordinance of said city:

FORM OF COMPLAINT.

Complaint.

State of Wisconsin,
Racine County, } ss.
City of Racine.

"A. B., being duly sworn and examined, makes complaint and says that in said city on the . .... day of ....., A. D., eighteen hundred and ..... one C. D., was guilty of (here state the nature of the offense) in violation of law, and prays that the said C. D., may be apprehended to answer therefor.

A. B.

Subscribed and sworn to before me this ..... day of ..... 189....

.....
Justice of the Peace."

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form; provided always, that in any case where any offender may have been arrested without warrant the said justice may proceed upon the complaint alone:

FORM OF WARRANT.

Warrant.

State of Wisconsin,
Racine County, } ss.
City of Racine.

To the marshal or any police officer of the city of Racine:

Whereas, A. B. has this day complained to me in writing, on oath, that in the said city, on the .... day of ....., A. D. eighteen hundred and ....., one C. D. was guilty of (here name the nature of the offense). Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C. D. and bring him before the undersigned, one of the justices of the peace of said city and county, to answer to said complaint, and to be dealt with according to law.

Given under my hand this .... day of ..... eighteen hundred and .....

E. F.
Justice of the Peace.

Practice.

SECTION 128. All the general provisions of law concerning the trial of actions, the fees of officers and removal of cases to the circuit court when the title to lands shall be brought into question, shall govern trials under this act, except as may be herein otherwise provided for; provided, that in all convictions or judgments rendered under this act, when a punishment, fine or penalty for the offense is prescribed under this act, or in any ordinance of said city, the punishment, fine or penalty as prescribed by this act or such other ordinance, shall be imposed upon the person convicted, or against whom such judgment shall be rendered.

Council may prescribe penalties by ordinance.

SECTION 129. In all cases in which by the provisions of this act the city council has power to pass ordinances, they may prescribe any fine, penalty or punishment for the violation thereof, not exceeding one hundred dollars ($100) for any

offense together with the costs of prosecution, or imprisonment in the county jail or city lock-up not exceeding fifty days, and may also provide that in default of payment of such fine and costs the defendant may be committed to such county jail or lock-up.

Executions may contain order for imprisonment.

SECTION 130 Executions issued upon judgment obtained for a penalty for a violation or non-observance of ordinances or by-laws of the city, may contain a clause directing the imprisonment of the defendant for such time as shall have been provided by the ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant, and all fines, penalties and forfeitures when collected shall be paid into the city treasury for the use of the city.

Justices of the peace to have exclusive jurisdiction of prosecutions hereunder.

SECTION 131. The justices of the peace elected in said city shall have exclusive jurisdiction to hear, try and determine all prosecutions brought for the violation or non-observance of any provisions of this act or of any ordinance passed by virtue thereof or now in force in said city, and to render judgments and impose fines, penalties and punishments in accordance therewith, subject to appeal to the circuit court of Racine county.

TITLE XII.

POLICE DEPARTMENT.

Police force, how composed

SECTION 132. The police force of the city of Racine shall consist of one chief of police and such number of policemen as the common council shall from time to time determine.

Mayor, etc., shall have powers of policemen.

SECTION 133. The mayor and aldermen and the harbor master and bridge tenders, and the fire marshal and his assistants of the city, shall severally and respectively have and exercise within said city all the powers of policemen of the city without any compensation or claim to compensation therefor.

Powers and duties of police officers.

SECTION 134. The members of the police force shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and the good order and health of

the city; they shall possess the powers of constables at common law or by the laws of the state, in all causes or prosecutions arising under this act, but shall receive no fees for serving any process or making any arrest, but in all cases where the arrest is made or process is served by the chief of police or any police officer, returnable in any court, the usual fees for serving the same shall be taxed and paid into the city treasury.

Who are police officers. By-standers may be ordered to assist in case of necessity.

SECTION 135. The mayor or acting mayor, the sheriff of Racine county, city marshal of said city, fire marshal or assistant fire marshal, and each and every alderman, justice of the peace, policeman, constable and watchman shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes they may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when required, each such person shall forfeit and pay a fine of ten dollars ($10); and in case where the civil power may be required to suppress riotous and disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Report of chief of police, what to contain.

SECTION 136. It shall be the duty of the chief of police, on or before the first day of May in each year, to report to the common council the names and places of business of all parties selling or dealing in spirituous, vinous or fermented liquors, and to give notice to such parties that they are required to pay the city treasurer such license money as may be fixed by law for the selling or dealing in spirituous, vinous or fermented liquors; and from time to time the chief of police shall report the names and places of business of all other parties who subsequent to, or not embraced in such report, shall be or may have been engaged in the selling or dealing in spirituous, vinous or fermented liquors. Every such license shall expire on the first Tuesday in May next, following the date of its issue, and in case license shall be granted after the first Tuesday in November, one-half of the regular license fee shall be paid therefor. It shall

be the duty of the chief of police to make such complaint against any person who sells liquors without license within said city.

Additional duties of police officers.

SECTION 137. The police shall serve all orders and notices required to be served by the common council, board of public works or board of health, and the return of the police officers shall be sufficient proof of such service.

TITLE XIII.

FIRE DEPARTMENT.

Council to provide apparatus, etc., etc., for fire department. The fire marshal; his powers and duties.

SECTION 138. The common council shall have power to provide and maintain the necessary apparatus, buildings and water supply for a fire department, and to employ therein such a number of firemen as they may deem expedient. The fire marshal shall have the care of the property employed or used in the service of the fire department, and shall command the force employed therein. It shall be his duty to keep and maintain the apparatus employed therein in serviceable condition, and to inform the common council from time to time of the needs and wants of the fire department. It shall be his duty to inquire into and prevent any violation of the ordinances passed by the common council relating to the prevention of fires and to the construction and repairs of buildings in the fire limits.

The fire marshal shall have power to appoint the members of the fire department (except the assistant fire marshal and engineers of steamers), and to suspend any of them; but he shall report such suspension to the common council at its next regular meeting, and the common council may thereupon approve such suspension and discharge such member or reinstate him, as it shall judge best.

The assistant fire marshal shall perform such duties as the fire marshal shall assign to him and as the common council shall prescribe, and shall, in case of the disability or absence of the fire marshal or in case of a vacancy, perform the duties of the fire marshal.

The fire marshal shall annually, on or before the first Monday in April, report to the common

council the condition of the fire department and file with the city clerk a full inventory, verified by his affidavit, of all the apparatus and tools belonging to the fire department.

SECTION 139. Whenever the fire marshall shall deem it necessary in order to prevent the spread of any conflagration, to tear down or remove any building or structure, he may, with the assent of the mayor or acting mayor, or with the assent of two members of the committee on fire of the common council, or when neither of them shall be present, with the assent of any two aldermen present, tear down or in any manner remove such buildings or structure.

In case of necessity, fire marshal may order buildings torn down or may order the closing of any street.

The fire marshal shall have the power to close travel on any street in the fighting of any fire and to order the removal of any obstructions from the streets interfering with the work of his force, and to require the clearing of the streets, alleys and sidewalks, from spectators and idlers, and the police of the city shall assist him in carrying out such orders, and every person refusing to obey such orders shall be guilty of an offense and shall be fined not less than ten dollars nor more than fifty dollars and costs.

SECTION 140. There shall be paid annually on the first day of February to the city treasurer, to the credit of the fire department fund, two *per centum* of all premiums received for insurance against fire, as provided by section 1929 of the revised statutes, and the city of Racine shall enjoy all benefits and rights secured to cities and villages of this state on said subject.

Two per cent. of all fire insurance premiums to be paid city for benefit of fire department.

TITLE XIV.

DISQUALIFICATIONS AND IMPEACHMENTS.

SECTION 141. No member of the common council or board of education shall be eligible to any other office provided for by this act, for the term for which he shall have been elected or appointed

Councilmen and members of board of education ineligible to other offices.

SECTION 142. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

Member of council not to vote on question in which personally interested.

Councilman or member of board of education not to be interested in any contract with city.

SECTION 143. No member of the common council or board of education shall be a party to or interested in any job or contract with the city, and any contract in which any such member may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and from the members of the council or members of the board of education interested in the same.

Person interested in contract with city ineligible to any office which gives him any control over such contract.

SECTION 144. No person interested, directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which the said city shall be a party in interest, or to which any officer or board under this act shall officially be a party for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of said city, or by any officer or board under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be deemed vacant.

Penalty for officer of city becoming interested personally in contract with city after election to office.

SECTION 145. If any member of the common council or board of education, or other officer of the corporation after his election or appointment or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject or proceeding pending before the common council or on which such officer may be called upon to act officially with intent to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by a fine of not more than five thousand dollars ($5,000), nor less than five hundred

dollars ($500), or by both such fine and imprisonment, in the discretion of the court.

Bribery; penalty.

SECTION 146. If any member of the common council or other officer or agent of the city government shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money, or goods or chattels, or any deed of writing containing a conveyance of land, or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively or that he will not vote, or that he will use his interests and influence on any question, ordinance, resolution, contract, or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office, and his office declared vacant by the common council, and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than three years nor less than one year, or by fine not exceeding five thousand dollars ($5,000), nor less than five hundred dollars ($500), or by both such fine and imprisonment, at the discretion of the court.

Committee of council to investigate charges of misconduct.

SECTION 147. Whenever any charges of official misconduct shall be preferred against any member of the common council of the city of Racine, or any officer of said city, the common council shall appoint a committee to investigate such charges, and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the result of their investigation to said common council; and in case such committee shall deem it necessary or proper, for the purposes of their investigation, they may examine witnesses, on oath in re-

Examination.

lation to any such charges, and the several members of such committee are hereby authorized and empowered to administer oaths to witnesses, to be examined for the purposes of such examination.

Witnesses may be compelled to attend before such committee.

SECTION 148. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpœna shall state when and where, and before whom, the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated. All such subpœnas shall be signed by the city clerk of said city, shall be issued under the seal of said city, and may be served in the same manner and shall have the same force and effect as subpœnas issued out of the circuit court. Any willful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating to the matter under investigation before such committee, shall be deemed guilty of perjury and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpœnaed before justices of the peace, and compelling the attendance of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpœnaed before such committee, and such committee may exercise the powers of arrest, fine or imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee

Penalty for false swearing.

TITLE XV.

MISCELLANEOUS.

In suits against city for injuries on defective sidewalks, etc., plaintiff must exhaust remedy first against individual or corporation primarily liable, if any.

SECTION 149. Whenever any injury shall happen to persons or property in the said city of Racine, by reason of any defect or incumbrance of any street, sidewalk, alley or public ground, or from any other cause, for which the said city would be liable, and such defect, incumbrance or

other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Same as to injuries sustained by reason of negligence of contractor of city.

SECTION 150. When any person shall sustain injuries or damages to his person or property upon any place or the streets, sidewalks or alleys, where work is being performed by any contractor on contract with the city, and such injury or damage shall have been caused by the neglect of any such contractor in failing to maintain proper guards, barriers or lights while doing such work, such contractor shall be primarily liable for such damages, and the city shall in no case be liable until after all legal remedies shall have been exhausted to collect such damages from such contractor.

Judgments in favor of city to be discharged only on payment.

SECTION 151. No penalty or judgment recovered in favor of the city shall be remitted or discharged without payment, and no resolution for a stay of prosecution for a violation of a city ordinance shall be passed, except by an affirmative vote in either case, of two thirds of all the members-elect of the common council.

Incompetency not to disqualify justices, judge, etc., when city a party.

SECTION 152. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Racine, in any proceeding or action in which the city shall be a party in interest.

Ordinances, etc., not inconsistent with this act and now in force to remain so.

SECTION 153. All ordinances, regulations or resolutions now in force in the city of Racine, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Suits for fines, penalties, etc., to be brought in name of city.

SECTION 154. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

SECTION 155. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed,

Elections not held on day herein specified may be held on some other day.

or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving such corporation, but such election or organization may be had on any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by laws of the city to be done by any officer at any specified time are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

On appeals city not required to give bonds.

SECTION 156. When, in any suit, the city shall take an appeal from the order or judgment of any court in the state to a higher court, it shall not be required to furnish an appeal bond; and when any action shall be commenced against said city in any justice court, and the city shall answer that the title to land will come in question, such justice shall transmit the case to the circuit court without requiring the city to give a bond.

City property exempt from levy and sale under execution except on judgments for purchase money.

SECTION 157. All property, real or personal, now or at any time hereafter belonging to said city, or to either of the wards thereof; shall be exempt from levy and sale under or by virtue of any execution; provided, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued on a judgment for the purchase money thereof. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on, and sold, by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Property belonging to city shall be vested in city.

SECTION 158. All property, real, personal or mixed, belonging to the city of Racine, is hereby vested in the corporation created by this act. The officers of said corporation, now in office shall respectively continue in the same until superseded in accordance with the provisions thereof, but shall be governed by this act, which shall take effect and be in force from and after its passage and publication.

City may purchase necessary property.

SECTION 159. The said city may lease, purchase and hold real or personal estate, sufficient for the convenience of the inhabitants thereof; and may sell and convey the same; and the same shall be free from taxation.

SECTION 160. Real estate exempted from taxation by the laws of the state shall be subject to special taxes or assessments, which may be or become chargeable against particular property, as provided by this act.

Property exempt from taxation generally shall be subject to special assessments.

SECTION 161. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, except such purpose be expressly set forth in such law.

General law not to repeal this act unless expressly intended.

SECTION 162. The common council of the city of Racine is hereby authorized to cause this act, together with any other act, or parts of acts of the legislature of Wisconsin, relating to or affecting said city, and also any ordinances, by-laws, resolutions, rules and regulations of said city, or any of its departments, and any other acts, resolutions, contracts or other documents relating to or affecting said city, to be printed and published in book form, and the same shall be admitted and may be read in evidence in all courts and legal proceedings from such printed book, so published, by order of the said common council, and such book shall be deemed *prima facie* evidence of the contents and passage, and shall be sufficient publication of all such acts, ordinances, by-laws, rules, resolutions and regulations. The common council of said city is hereby authorized to codify, revise and consolidate in a single ordinance, all the existing ordinances, rules and regulations of said city, with such additions as to them may seem proper, and to cause the same to be printed in book or pamphlet form, and said council may also cause the charter of said city as now amended and existing and any other acts affecting said city, to be printed either in connection with or separate from said ordinance, all of said printing to be under the supervision of some suitable person appointed for the purpose, and said printing and publication shall be sufficient printing and publication of said ordinance, and said pamphlet or book form shall be admitted and may be read in evidence in all courts and legal proceedings and shall be *prima facie* evidence of the contents, passage and publication of said ordinance. The city clerk of said city shall preserve and keep in his office the origi-

Council may print charter.

Amendments, ordinances, etc., in book form.

nal codified ordinance as signed by the mayor, which shall be a sufficient recording of the same, and no further recording of the same shall be required.

This act not to invalidate any legal act done heretofore.

SECTION 163. This act shall not invalidate any legal act done by the common council of the city of Racine or by its officers, nor divest their successors under this act of any rights of property or otherwise, or of any liability which may have accrued to or been created by said corporation prior to the passage of this act, and all ordinances now in force in said city not contravening the provisions of this act shall be and remain in force until altered or repealed by the common council.

All conflicting acts repealed.

SECTION 164. All acts or parts of acts contravening any of the provisions of this act are hereby repealed, in so far as they conflict with such provisions, but this act shall not effect chapter 42 of the private and local laws of 1871, relating to the readjustment of the corporate debt of said city, nor any acts relating to said city of Racine, of the year 1891.

SECTION 165. This act shall take effect and be in force from and after its passage.

Approved March 12, 1891.

No. 71, A.] [Published March 19, 1891.

CHAPTER 42.

AN ACT to amend the city charter of the city of Merrill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 32, laws of 1885, as amended.

SECTION 1. Section 7, of chapter 32, of the laws of 1885, as amended, is hereby further amended by striking out the word "March," and inserting in lieu thereof the word "April," so that said section, when so amended, shall read as follows:

Annual municipal election; special election.

Section 7. The annual municipal election shall be on the first Tuesday in April of each year, at

such place in each ward as the common council shall designate. Not less than five days notice shall be given of the time and places of holding all elections and of the officers to be elected, by publication in the official newspaper of the city; provided, however, that the failure to give such notice shall in no way invalidate such election. The aldermen and supervisors of each ward shall be the inspectors of election for their respective wards, and may appoint clerks of election for such wards. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general election, and that each elector shall reside in the city at least thirty days, and in his ward at least ten days prior to such election. In case a special election is to be held in the city other than for ward purposes, the council may order the number of polls for the entire city, and appoint the places where the election is to be held and the inspectors of election and the clerks therefor. No person shall be eligible to an office in said city who is not, at the time of his election, a citizen of the United States and of this state, and a resident elector of the city; nor shall any person be eligible to any ward office, unless he shall be at the time a resident elector and freeholder of the ward in which such office exists.

Amends chapter 32, laws of 1885, as amended; when terms of office commence.

SECTION 2. The last clause of section 10, of chapter 32, of the laws of 1885, as amended, is hereby further amended so as to read as follows: The term of office of every officer elected or appointed under this act shall commence on the second Tuesday in April, of the year for which such officer is elected or appointed except that the term of office of the superintendent of schools shall commence on the second Tuesday of July next succeeding his election.

Amends chapter 32, laws of 1885, as amended. Deputy city clerk.

SECTION 3. Section 20 of chapter 32 of the laws of 1885, is hereby amended by adding to the end of said section the following: The city clerk may appoint a deputy to aid him in the performance of his official duties for whose acts said clerk shall be responsible. Such deputy shall take and file the oath of office, and in case of the absence from his office or in case of the sickness or other disability of the clerk, shall perform his

duties, unless the city council shall appoint a person to act as clerk. Such deputy shall not receive any compensation from said city.

Lighting streets, etc.

SECTION 4. The common council of the city of Merrill shall have power to provide by contract for a term of years, or otherwise, for lighting the streets and public places in said city, by electricity or other means and to direct the payment of the cost and expense thereof out of the general funds of said city if no sufficient special fund shall be provided for that purpose; and said common council shall also have power and authority to provide for and direct payment for street lighting and other lights heretofore furnished to said city, out of its general funds or by a tax levy therefor if necessary.

Amends chapter 32, laws of 1885.

SECTION 5. Section 111, of said chapter 32, of the laws of 1885, is hereby amended by striking out the words at the end of said section "and shall be preserved by said clerk as a record in his office."

Amends chapter 32, laws of 1885.

SECTION 6. Section 112, of said chapter 32, is hereby amended, by striking out the words in the first and second lines of said section "and preserved."

Amends chapter 32, laws of 1885.

Warrant for collection of tax.

SECTION 7. Section 113, of said chapter 32, as amended, is hereby further amended so as to read as follows: Section 113. Immediately after making out the tax roll aforesaid, there shall be appended thereto a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law, and the said clerk shall, on or before the first day of December, of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery in his office.

Amends chapter 32, laws of 1885.

SECTION 8. Section 114, of said chapter 32, is hereby amended by striking out the word "duplicate," contained in the second line of said section.

Amends chapter 32, laws of 1885.

SECTION 9. Section 131, of said chapter 32, as amended, is hereby further amended by striking out the last sentence containing the words "he shall be *ex officio* president of the board of education with a casting vote in all cases of tie."

SECTION 10. Section 135, of said chapter 32, as amended, is hereby further amended so as to read as follows: Section 135. The school commissioners and the city superintendent shall constitute a board to be styled "the board of education of the city of Merrill." They shall, at their first meeting after the annual charter election in each year, choose one of their number president. In the absence of the president, a president *pro tem.* may be appointed. Said board shall hold their meetings at the city clerk's office or at the room of the common council in said city. They shall hold stated meetings at such times as may be fixed by the board. Special meetings may be held upon a call or request of the majority of the board, notice of which meeting shall be given by the clerk, served on each member, either personally, or by copy left at his residence or place of business, at least twenty four hours prior to the time of holding such special meeting. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Said commissioners shall not receive any compensation for their services.

Amends chapter 32, laws of 1885.

Board of education, meetings etc.

SECTION 11. Section 137, of said chapter 32, as amended, is hereby further amended so as to read as follows: Section 137. The superintendent of schools shall, in each year, and at the time and in the manner now and hereafter to be required of town clerks, make and transmit to the state superintendent a report in writing, which report shall be such as is now or may hereafter be required by law to be made annually by town clerks and transmitted to county superintendents. He shall also make and submit to the board of education, before the end of his term of office, and not later than their regular meeting in July in each year, a statement of his work in the city schools, and of the condition and progress of the schools during the preceding year, the names and number of teachers employed in the several departments of such schools, the wages paid each, the number of pupils in attendance in each department during the year, the janitors employed in each building and the wages paid each, and such further statistical or other information as he may consider useful or which the board may require, together with such suggestions and recommendations as

Amends chapter 32, laws of 1885.

Reports of superintendent of schools.

he may deem important for the future conduct and management of the schools.

Amends chapter 32, laws of 1885.

SECTION 12. Subdivision 2, of section 141, of said chapter 32, is hereby amended so as to read as follows:

Board of education, custodian of school houses, etc.

2d. To have the custody and safe keeping of the school houses, out-houses, books, furniture and appendages, and generally to have supervision and control of all property belonging to the city used for school purposes, and to see that the ordinances and regulations of the common council in relation thereto are enforced and observed.

Amends chapter 32, laws of 1885.

SECTION 13. Subdivision 6, of said section 141, of said chapter 32, is hereby amended so as to read as follows:

Board of education to report to common council.

6th. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of all school property belonging to the city, and to suggest proper penalties for the violation of such ordinances and regulations.

Amends chapter 32, laws of 1885.

SECTION 14. Subdivision 7, of said section 141, of said chapter 32, is hereby amended by adding thereto the following: But such repairs shall be construed to mean only such as are reasonably necessary to preserve such school houses and appurtenances and keep the same in suitable condition for use and occupancy by the schools.

Repair of school houses, etc.

Amends chapter 32, laws of 1885.

SECTION 15. Section 141, of said chapter 32, is hereby amended by adding to the foot of said section the following:

To lease or purchase necessary grounds and buildings for school purposes.

12th. By and with the consent of the common council, to erect, construct and purchase, or lease, buildings for school purposes, and the necessary grounds therefor and to make any necessary addition thereto.

Amends chapter 32, laws of 1885.

SECTION 16. Section 141, of said chapter 32, is hereby further amended by adding a thirteenth clause thereto as follows:

To purchase school supplies, etc.

13th. To purchase and supply the schools in said city with furniture, fixtures, books, records, maps, apparatus and supplies, needful and proper for the maintenance of the schools in said city.

Amends chapter 32, laws of 1885.

SECTION 17. Section 143, of said chapter 32, is hereby amended so as to read as follows: Section 143. It shall be the duty of the board of education to audit each and every indebtedness of said

Duties of board of education.

city for school purposes and upon the allowance thereof by said board, orders for the payment thereof shall be drawn on the city treasurer by the mayor, and countersigned by the city clerk. Orders on the city treasurer for the payment of salaries of teachers and janitors shall be drawn by the mayor and countersigned by the city clerk, upon the request of the board of education; and all moneys received by or raised in the city of Merrill for school purposes, shall be disbursed by the treasurer of said city, upon the orders of the mayor, countersigned by the city clerk, and in no other manner. The city treasurer shall keep all funds, received by him for school purposes, separate and distinct from all other funds belonging to said city, and such school funds shall be used for school purposes and for no other purpose whatever. Said treasurer shall keep an account of all such school funds, which shall show the several sources from which the same are received and the amount received from each source, and shall also show the amounts paid out by him and the purposes for which the same were paid and the amount paid for each purpose, which account shall at all times show the balance of such funds remaining in his hands. The city clerk, city treasurer and superintendent of schools shall make and submit to the board of education at their first meeting in October, in each year, a written statement showing receipts of money for school purposes from all sources and disbursements of the same, during the year ending on the last day of September next preceding, in which statement shall be given under separate heads:

First. The amount in the treasury at the beginning of such year.

Second. The amount received from the several sources, specifying the amount received from each source.

Third. The manner in which such funds have been expended, specifying the amount paid under each general head of expenditures.

Fourth. The amonnt on hand at the end of such year.

The board of education shall at its first meeting in October, in each year, make an estimate in writing, to be entered in the minutes, of the

amount of money in their opinion needed to be used for school purposes for the current year, specifying the amount required for each of the purposes therein mentioned, and specifying also the amount needed to be raised by taxation for said purposes and the estimated amounts which may be expected to be received during such year from the state, county and other sources. It shall be the duty of the city clerk to present to the common council, at its first meeting thereafter, the aforesaid statement of receipts and disbursements, together with the aforesaid estimates of the board of education, which statement and estimates shall afterwards be filed and preserved in his office; but no failure to make such statement or estimates, or to present the same to the common council, shall in any way invalidate the levy of taxes for school purposes made by the common council.

Amends chapter 32, laws of 1885.

SECTION 18. Section 144, of said chapter 32, is hereby amended by striking out the clause near the middle of said section, commencing with the words "it shall be the duty of the board of education to report," etc, and ending with the words "or the council may require," so that said section as amended shall read as follows: Section 144. The said board of education shall have power to permit the children of persons not residents of said city, to attend in either of the schools therein, under the care and control of said board, upon such terms as said board shall, by resolution, prescribe, fixing the tuition which shall be paid therefor. Permits to so enter the school shall be issued by the city superintendent, but no such permits shall be issued which shall interfere with the proper instruction of resident pupils. He shall report his action under this section to the board of education, as often as may be required, and he shall not issue any greater number of permits than may be authorized or sanctioned by the board of education. All permits shall specify the amount to be paid by such non resident pupils, and no such pupil shall be admitted to any school of the city until he has exhibited the receipt of the city treasurer, that the amount specified in such permit has been paid to him. At the end of each term and at such other times as may be required by the

Permits to non-resident pupils to enter schools; tuition fee.

board, every teacher who has admitted to the school under his charge any non-resident pupil under the city superintendent's permit, shall return to the board of education the permit, under which the pupil was admitted. All moneys so received for tuition shall become a part of the school fund of said city. Nothing in this act contained shall be deemed to authorize said board of education, or the common council, or both, to appropriate, contract or expend for school purposes in any one year any greater sum than is provided for in this charter, in addition to the school moneys derived by said city from the state and county school funds, and such fines, forfeitures, penalties and tuition moneys as may properly belong to the city school fund, unless first authorized thereto by a vote of two-thirds of the legal voters of said city.

Amends chapter 32, laws of 1885.

SECTION 19. Section 145, of said chapter 32, is hereby amended so as to read as follows: Section 145. The council of the city of Merrill, on the application of the board of education, may borrow money for the erection and completion of school houses, and for the purchase of school house sites in said city, not exceeding in amount the sum of five thousand dollars *per annum*, and may issue the bonds of said city for the payment of the same, bearing an interest not exceeding seven *per cent. per annum*, payable annually or semi-annually, and becoming due within ten years or less, as the council may by ordinance prescribe. In case said bonds are issued, the council of said city shall annually levy and collect a tax on the taxable property of said city, as other taxes are levied and collected, sufficient to pay the interest and principal of said bonds as the same may become due; and the money thus raised shall be applied to the purpose for which it was raised and no other; provided, however, that no bonds issued in pursuance to this section shall be sold for less than their par value.

Common council may borrow money for school purposes.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1891.

No. 616, A.] [Published March 19, 1891.

CHAPTER 44.

AN ACT to amend chapter 257 of the laws of 1887, entitled, "An act to incorporate the city of Rice Lake," and chapter 47 of the laws of 1889, being amendatory to said chapter 257 of the laws of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeals sec. 13, chapter 257, laws of 1887.

SECTION 1. Section 13 of chapter 7 of said chapter 257 is hereby repealed.

Council to provide funds for payment of orders.

SECTION 2. Section 16 of chapter 7 of said chapter 257 is hereby amended so as to read as follows: Section 16. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the treasury, and it shall have power to negotiate temporary loans at a rate of interest not exceeding ten *per cent. per annum* for supplying of all funds to meet any deficiency in the treasury.

Amends chapter 257, laws of 1887.

Board of education and city superintendent of schools; members of board of education; how elected.

SECTION 3. Section 1, of chapter 12, of said chapter 257, is hereby amended so as to read as follows: Section 1. There shall be elected by the people, for the city of Rice Lake, a board of education, also a city superintendent of schools. The board of education of said city shall be composed of one school commissioner from each ward, and one from the city at large. The commissioners now in office shall continue until as hereinafter provided; and until their successors are elected and qualified, and thereafter the terms of office of all commissioners elected shall commence on the first Monday of July after their election, and continue for three years. At the annual city election to be held in 1891, there shall be elected by the electors of the city at large, one commissioner for the city at large; at the annual city election to be held in 1892, there shall be elected a commissioner by the electors in each the Second and Third wards; at the annual city election to be held in 1893, there shall be elected a commissioner in each the First and Fourth wards; and at the annual city

election in each year, there shall be elected a commissioner or commissioners, to succeed any member or members of the board of education, whether elected or appointed by the common council, whose term of office shall expire on the succeeding first Monday of July. At the annual city election in each year there shall be chosen by the electors of the city at large, a city superintendent of schools, who shall hold his office for one year from the succeeding first Monday of July and until his successor is elected and qualified. All elections for school officers shall be by ballot, and the person receiving the greatest number of votes shall be declared elected. Said elections shall be held at the same time and place and conducted by the same officers as elections for city officers, but the inspectors of election in each ward shall provide a separate ballot box, for the reception of such ballots, and such ballots shall contain only the names of school officers and the persons to be voted for. Such ballots shall be canvassed and returned in the same manner as required in elections for city officers.

Amends chapter 257, laws of 1887.

Board of education how composed; vacancies in board how filled.

SECTION 4. Section 2 of chapter 12, of said chapter 257, is hereby amended so as to read as follows: Section 2. The school commissioners elected under the provisions of section 1 of this chapter, shall form the board of education of the city of Rice Lake, and a majority of said board shall form a quorum for the transaction of business. The common council of said city shall fill by appointment any vacancy which may occur from time to time in the number of said commissioners, by resignation or otherwise, and the person or persons so appointed shall hold office until the first Monday of July succeeding the next ensuing annual election and until his successor is elected and qualified. The common council shall in like manner fill by appointment any vacancy which may occur in the office of city superintendent of schools.

Amends chapter 47, laws of 1889.

Salary of assessor.

SECTION 5. Section 11 of said chapter 47, of the laws of 1889, is hereby amended so as to read as follows: Section 11. The second sentence of section 5 of chapter 7 of said chapter 257, is hereby amended so as to read as follows: "He shall receive such compensation for his services as shall

be fixed by the common council, not to exceed one hundred and fifty dollars for the year, and two dollars per day for each day he serves on the board of equalization," and the remainder of said section shall remain unchanged.

Repeals sec. 20, chapter 47, laws of 1889.

SECTION 6. Section 20 of said chapter 47 of the laws of 1889 is hereby repealed.

SECTION 7. All acts and parts of acts conflicting in any manner with any of the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1891.

No. 253, A.] [Published March 19, 1891.

CHAPTER 45.

AN ACT to amend the charter of the city of New London.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Amends chapter 162, laws of 1877.

SECTION 1. Section 3, of sub-chapter 5, of chapter 162, laws of 1877, entitled "An act to incorporate the city of New London," is hereby amended by adding thereto a sub-section 51, which shall read as follows: 51. To provide for licensing the keeping of dogs, in said city at a sum or rate of not less than one dollar ($1.00) nor more than ten dollars ($10.00), a year for each dog, and to provide a badge or token to be carried by each licensed dog, and for the killing and destruction in a summary manner of all dogs not licensed whenever the same may be found within the city, and to punish by fine any person or persons keeping unlicensed dogs within said city.

Licensing of dogs.

Amends chapter 162, laws of 1877; elective city offices and time of election.

SECTION 2. Section 1, of sub-chapter 3, of said chapter 162, is hereby amended so as to read as follows: The elective officers of said city shall be a mayor, treasurer, city clerk, assessor and school commissioner, to be elected by the city at large, and the following officers to be elected

from each ward, viz.: One alderman, to be elected at the general charter election in 1891, whose term of office shall be for one year, and one alderman from each ward whose term of office shall be for two years; and there shall be elected from each ward at each general charter election thereafter, one alderman from each ward whose term of office shall be for two years; there shall also be elected from each ward, one school commissioner, one supervisor to represent his ward in the county board of supervisors, one justice of the peace and one constable. The common council shall have power to appoint one street commissioner, chief of police, city attorney, city surveyor and such other officers as are necessary for the proper management of the affairs of the city.

Amends chapter 162, laws of 1877.

SECTION 3. Section 6, sub-chapter 4, of said chapter 162, is hereby amended so as to read as follows: Section 6. The street commissioner shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and rivers in said city are duly observed and kept, and shall control all persons employed therein and have the general supervision over all work let by contract for the making, grading, paving, graveling, repairing and cleaning of streets, bridges, sidewalks, alleys, reservoirs and gutters, unless the common council shall otherwise direct, and he shall perform such other duties as may be prescribed by this charter and the ordinances of said city. He shall be liable to removal from office for incompetency or official misconduct, by the common council in manner provided by this act. He shall receive such compensation for his services as the common council may determine, and not less than three hundred and not exceeding six hundred dollars *per annum*.

Duties of street commissioner.

Amends chapter 162, laws of 1877.

SECTION 4. Section 12, of sub chapter 4, of said chapter 162, is hereby amended to read as follows: Section 12. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines, and shall receive such compensation as the council may determine. He

Powers and duties of chief of police.

shall possess all the powers of constables in towns in Waupaca and Outagamie counties, and may serve all lawful processes directed to him, or to the sheriff, or any constable of said counties and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city, or laws of this state, and within reasonable time, bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall also cause all laws and ordinances in force in said city in relation to animals running at large, to be observed and kept, and it is hereby made his duty to take up and impound such animals, and he shall be poundmaster or keeper.

Conflicting acts repealed.

SECTION 5. All acts or parts of acts conflicting with this act are hereby repealed, so far as they conflict with this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1891.

No. 657, A.] [Published March 18, 1891.

CHAPTER 46.

AN ACT to amend chapter 195 of the laws of Wisconsin of 1878, entitled, "An act to incorporate the city of Waupun."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 195, laws of 1878.

SECTION 1. Chapter 195, of the laws of Wisconsin for the year 1878, is hereby amended as follows: Section 1. Section 1, of chapter 3, so that

said section when so amended, shall be as follows: Section 1. The elective officers of said city shall be a mayor, marshal, treasurer, city clerk, street commissioner and two justices of the peace for the city at large, and three aldermen, one assessor and one supervisor for each ward of said city.

Elective city officers.

SECTION 2. Section 1, of chapter 4, so that said section when so amended shall read as follows: Section 1. On the first Tuesday of April next and annually thereafter, the qualified electors of each ward of said city shall meet at the place of holding the last general election in each ward, or at such place as the common council may direct, and then and there, by plurality of votes, in the manner provided by general law, elect by ballot the elective officers named in the preceeding chapter, provided, that one of the aldermen when elected from each ward shall, when elected and during the term for which he shall hold office, reside west of the Milwaukee and St. Paul railroad, and that one of the aldermen when elected from each ward shall, when elected, and during the term for which he shall hold office, reside east of the Milwaukee and St. Paul railroad. At such election for the year 1891, there shall be elected one justice of the peace for the city at large, and one alderman in each ward for the term of two years, and one justice of the peace for the city at large, and one alderman in each ward for the term of one year, and annually thereafter one justice of the peace for the city at large and one alderman in each ward for the term of two years, and one alderman in each ward for the term of one year, and that no person shall be eligible to the office of mayor unless he shall be an elector and freeholder in said city, and that no person shall be eligible to the office of alderman or assessor, unless he shall be an elector and freeholder in the ward for which he shall be elected. All officers elected under this act shall be resident electors of their respective wards.

Amends sec. 4 of chapter 195, laws of 1878.

Annual municipal election.

SECTION 3. Section 10, of chapter 4, so that said section when so amended shall be as follows. Section 10. In case of vacancy in the office of justice of the peace, it shall be the duty of the mayor to call a special election to fill such vacancy. Such notice shall be given at least ten days previous to

Amends sec. 10 of chapter 195, laws of 1878.

Vacancies in office of justice of the peace how filled.

the time of holding such special election by publication in a newspaper printed in said city.

Amends sec. 6 of chapter 195, laws of 1878.

SECTION 4. Section 6, of chapter 5, so that, that part of said section preceding the several subdivisions thereof when so amended shall read as follows:

Powers of common council.

Section 6. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, as it shall deem expedient, and to regulate and control the location of barns, stables, privies, receptacles for manure and other refuse, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws.

Amends sec. 6 of chapter 195, laws of 1878.

Licensing of dogs.

SECTION 5. Subdivision 9, of section 6 of chapter 5, so that said subdivision when so amended shall be as follows: To license the keeping of dogs and cause the same to be destroyed when found wandering at large contrary to the provisions of such license or of any ordinance of said city.

Amends sec. 6 of chapter 195, laws of 1878.

Shooting of fire-arms and fire crackers.

SECTION 6. Subdivision 12 of section 6 of chapter 5, so that said subdivision when so amended shall be as follows: 12th. To prevent the shooting of fire-arms, air-guns or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof, and to regulate and control the location of barns, stables, privies, receptacles for manure and other refuse.

Amends sec. 18 of chapter 195, laws of 1878.

SECTION 7. And section 18 of chapter 5, so that said section when so amended shall read as follows: Section 18. The justices of the peace of

Justices of the peace; their election, term of office, powers and jurisdiction.

said city shall hold their office for the term of two years from and after the first Monday in May next succeeding their election, except when elected to fill a vacancy or elected at the spring election for the year 1891, in which case they shall hold for the unexpired portion of such term. They shall before entering upon the duties of their office, take and subscribe to two separate oaths of office, before some officer authorized to administer oaths, and shall also execute two official bonds each to have two or more sufficient sureties, to be approved by the mayor, which shall be in the form and manner required by statute; the approval of the sureties shall be endorsed upon such bonds, and the said justices shall cause one, together with their oath of office, to be filed in the office of the clerk of the circuit court of each of the counties of Dodge and Fond du Lac, and a copy of said bond, duly certified by either of said clerks, shall be *prima facie* evidence of the contents and execution thereof. Each of the justices of the peace elected under the provisions of this act shall have jurisdiction, both civil and criminal, co-extensive with the limits of both of the said counties of Dodge and Fond du Lac, and may issue processes, and may do all things in either of said counties that any justice of the peace of such county may lawfully do. Each of said justices of the peace shall keep and hold his office within the corporate limits of said city, irrespective of the ward in which he shall reside, provided, that in case of appeal or *certiorari* in civil cases, the papers shall in all cases be transmitted to the county court of the county in which such action was tried; and provided, further, that in case of appeal in criminal cases, or in examinations, and in which the justice has not final jurisdiction the papers shall be transmitted to the circuit court of the county in which the offense was alleged to have been committed; and all commitments in criminal cases shall be made to the common jail of such county, except as provided in this act; and provided further, in all cases, if a cause shall be removed from the justice before whom the same was commenced, for prejudice or other cause, the papers shall be transmitted to the other justice in said city, if he be competent to try the

cause, but if there be no such justice, or if they be absent or sick, in such case the papers shall in civil cases be transmitted to the nearest justice of the peace in the county in which the defendants or either of them was served with process, and in criminal cases the papers shall be transmitted to the nearest justice of the peace of the county in which the offense was charged to have been committed, and such nearest justice is hereby authorized to hear, try and determine the same in the manner provided by law. And the justice of the peace elected under the provisions of this act, shall perform the same duties, and shall receive the same fees, and be liable to the same penalties as other justices of the peace in this state And, provided further, that in all cases when execution shall be issued by either such justice of the peace, in actions for tort, and the defendant shall be imprisoned thereon, he shall be committed to and imprisoned in the common jail of the county in which the cause of action shall have arisen.

Amends sec. 1 of chapter 195, laws of 1878.

SECTION 8. Section 1, of chapter 8, so that said section when so amended will be as follows: Section 1. Whenever six or more resident freeholders of said city shall desire to have a sidewalk built along the line of any real estate, bordering on any street or part of street in said city, they shall make out and sign an application to the common council in writing, stating the points where they desire such sidewalk to commence and terminate, and request that such sidewalk be ordered laid, and a special tax levied upon the property bounded thereby sufficient to build the same.

Sidewalks.

Repeals conflicting acts.

SECTION 9. All acts or parts of acts conflicting with this act are hereby repealed so far as they conflict with this act.

SECTION 10. This act shall be in force from and after its passage and publication.

Approved March 14, 1891.

No. 673, A.] [Published March 19, 1891.

CHAPTER 50.

AN ACT to amend an act, entitled, "An act to incorporate the city of Jefferson."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 263, laws of 1878.

SECTION 1. Section 6, of sub-chapter 4, of chapter 263, laws of the state of Wisconsin for the year 1878, entitled, "an act to incorporate the city of Jefferson," is hereby amended so as to read as follows, to-wit: Section 6. The elective officers of said city shall be a mayor, police justice, city attorney, city clerk, treasurer, city marshal and street commissioner to be elected by and for the city at large, and two aldermen, and one supervisor to represent his ward in the county board of supervisors of Jefferson county, to be elected by and from each ward. The mayor, police justice, city attorney, city clerk, treasurer, city marshal and street commissioner shall be qualified electors of said city, and the aldermen and supervisors shall be qualified electors of said city and residents of the ward for which they shall be respectively elected. Said officers shall hold their respective offices for the term of one year, and until their successors shall be elected and qualify.

Elective city officers.

Amends chapter 263, laws of 1878; annual municipal election; vacancies.

SECTION 2. Section 7 of said sub-chapter 4, is hereby amended so as to read as follows: Section 7. The elective officers shall be elected at the annual election to be held on the second Tuesday of April of each year. Each elector, in addition to voting for mayor, police justice, city attorney, city clerk, treasurer, city marshal and street commissioner to be elected by and for the city at large, shall vote only for the two aldermen and one supervisor, to be elected by and for the ward in which the elector voting resides, and no elector shall vote for more than two aldermen nor more than one supervisor, and the two aldermen and one supervisor voted for, must be residents of the same ward with the elector. The electors shall vote by ballot, written or printed,

or partly written and partly printed, and such ballot shall be prepared under the existing general election law. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for alderman and supervisor resides, shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately, by the inspectors and clerk, and the two persons named on the ballots in any box for aldermen, and the one named thereon for supervisor, who shall have received the largest number or a plurality of all the votes cast by the electors of the ward, corresponding in number with the box, shall be declared elected aldermen and supervisor of such ward, and the person or persons named on the ballots for mayor, police justice, city attorney, city clerk, treasurer, city marshal and street commissioner, who shall receive the largest number, or a plurality of all the votes of the electors of said city, cast for these officers, shall be declared elected mayor, police justice, city attorney, city clerk, treasurer, city marshal and street commissioner, respectively. If any alderman or supervisor shall change his residence from the ward from which he shall have been elected, his office as alderman or supervisor shall become vacant, and the common council of said city shall, by resolution, so declare and appoint a suitable person to fill the vacancy. For the purpose of carrying out this act, a person's residence shall be deemed to be in that ward where his family resides, or where he has his lodgings and sleeps nights.

Amends chapter 263, laws of 1878.

Additional appointive officers.

SECTION 3. Section 10, of said sub-chapter 4, is hereby amended so as to read as follows: Section 10. The common council may at any meeting appoint any additional officers deemed necessary, for the good government of said city, and the safety and well being of its inhabitants.

Amends sec. 4, sub-chapter 6, chapter 263, laws of 1878.

SECTION 4. Section 4, of sub chapter 6, of said act, is hereby amended by striking out the words "Appointed by the common council, as hereinbefore provided," when they occur in the first and second lines of said section four.

SECTION 5. There is hereby added to sub-chapter 6, of said chapter 263, a new section to be numbered section 13, to read as follows: Section 13. It is hereby made the duty of the common council of said city, at its regular stated meeting in the month of March in each year, to fix the compensation of all officers to be elected under this chapter, which compensation shall not be changed during the term of office.

Amends chapter 263, laws of 1878.

Fixing compensation of city officers.

SECTION 6. Section 6, of sub-chapter 14, of said chapter 263, is hereby amended so as to read as follows: Section 6. The plats of the village of Jefferson, and of the additions thereto, are hereby adopted as the plats of the city of Jefferson and additions thereto, and of the inhabitants thereto; and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, and by describing the plats as "the original plat of the city of Jefferson," or "the plat of Fifield's addition to the city of Jefferson," and in like manner, with the plats of the other additions, or in any other manner that shall designate said real estate with reasonable certainty.

Amends chapter 263, laws of 1878.

Plats heretofore adopted for village are adopted as plats of city; how described.

SECTION 7. All acts or parts of acts contravening with the provisions of this act are hereby repealed.

Repeals conflicting acts.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1891.

No. 159, S.] [Published March 23, 1891.

CHAPTER 51.

AN ACT to amend chapter 99, of the laws of Wisconsin for the year 1885, entitled, "An act to incorporate the city of West Bend."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of the charter of the city of West Bend is hereby amended by inserting af-

Amends chapter 99, laws of 1885.

the words, "section number twenty-four," where they occur in said section 2, the following words, to-wit: "Excepting the south ten acres of the southwest quarter of the southwest quarter of said section thirteen, lying west of the west line of the Chicago & Northwestern Railway company's right of way," so that, when so amended, said section will read as follows: Section 2. All the following described territory, to-wit: The south half of section number eleven, the southwest quarter of section number twelve, the west half of section number thirteen, the east half of section number fourteen, and the northwest quarter of section number twenty-four, excepting the south ten acres of the southwest quarter of the southwest quarter of said section thirteen, lying west of the west line of the Chicago & Northwestern Railway company's right of way, all being in township number eleven north, of range number nineteen east in the county, of Washington and state of Wisconsin, shall be included in and constitute the limits and boundaries of the city of West Bend.

Boundaries.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1891.

No. 62, S.] [Published March 23, 1891.

CHAPTER 52.

AN ACT to amend chapter 99 of the laws of 1885, entitled, "An act to incorporate the city of West Bend."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 99, laws of 1885.

SECTION 1. Section 6 of said act, is hereby amended as follows: Insert after the words, "justices of the peace," in the fourth line, the words "and a street commissioner," so that said section when so amended will read: The elective officers of said city shall be a mayor, a treasurer,

Elective city officers.

an assessor, a clerk, a city marshal, one constable, two justices of the peace, a street commissioner from the city at large, and two aldermen, and one supervisor from each ward. The treasurer, assessor, marshal, clerk, justices of the peace and constable, shall be qualified voters and residents of the city of West Bend; and the mayor, aldermen and supervisors shall be qualified electors and freeholders in the city of West Bend. All the other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers except justices of the peace, unless otherwise provided, shall hold their offices for one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for cause, to expel any of its own members, except the mayor, and to remove from office any officer or agent, under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified; provided, however, that no person shall be eligible to the office of treasurer of the city for two successive years.

Qualification of officers.

SECTION 2. Section 30, of said act, is hereby amended by striking out the word "appointment" in the third line, and inserting the word "election," in lieu thereof.

Amends sec. 30, of chapter 99, laws of 1885.

SECTION 3. Section 33 of said act, is hereby amended by striking out the words, "and shall not receive any compensation for their services," in second and third lines, and by inserting in lieu thereof, the words, "and they shall receive as compensation for their services as such, the following salaries: The mayor shall receive the sum of fifty dollars, and each of the aldermen shall receive the sum of twenty five dollars, annually, to be paid in quarterly installments," so that said section when amended, shall read as follows: The mayor and aldermen shall constitute the common council, and they shall receive as compensation for their services as such, the following salaries: The mayor shall receive the sum of fifty dollars, and each of the aldermen shall receive the sum of twenty-five dollars, annually, to be paid in quarterly installments.

Amends sec. 33, of chapter 99, laws of 1885.

Salaries of officers.

school district, in the schools and school meetings of said district number one, of the city of Tomah, and the general laws relating to joint school districts between towns and regulating the levy and collection of school taxes upon the territory so attached and the inhabitants thereof and the payment thereof to the treasurer of said school district number one of the city of Tomah, shall apply to and govern the towns of La Grange and Tomah, in their relations to said school district number one of the city of Tomah.

SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1891.

No. 98, A.] [Published March 25, 1891.

CHAPTER 58.

AN ACT to incorporate the city of Tomahawk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

City incorporated.

SECTION 1. All that territory in section two, of this chapter described, situate in the county of Lincoln, shall be a city by the name of Tomahawk, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of Tomahawk, and shall have the general powers hereafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries.

SECTION 2. All that district of country included in sections number two, three and four, in town-

ship number thirty-four north, of range number six east, and sections number twenty-six, twenty-seven, twenty-eight, thirty-three, thirty-four and thirty-five, in township number thirty-five north, of range number six east, of the fourth principal meridian.

CHAPTER II.

SECTION 1. The city of Tomahawk shall be divided into four wards as follows:

First Ward. The First ward shall comprise all that territory within the corporate limits lying north of the center line of Wisconsin avenue and west of the center line of Second street. First ward.

Second Ward. The Second ward shall comprise all that territory within the corporate limits lying south of the center line of Wisconsin avenue and west of the center line of Second street. Second ward.

Third Ward. The Third ward shall comprise all that territory within the corporate limits lying south of the center line of Somo avenue and east of the center line of Second street. Third ward.

Fourth Ward. The Fourth ward shall comprise all that territory within the corporate limits lying north of the center line of Somo avenue and east of the center line of Second street. Fourth ward.

CHAPTER III.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, an assessor, a city superintendent of schools, three justices of the peace and three constables to be elected by the city at large. Each ward of said city shall elect one alderman, who shall represent such ward on the city council and be a member thereof, also one supervisor, who shall represent said city on the county board of supervisors of Lincoln county and be a member thereof, and one school commissioner who shall be a member of the school board of said city. Justices of the peace, aldermen and school commissioners shall each hold their offices for the term of two years, and until their successors are elected and qualified; every City officers; election and qualification of.

other elective officer, unless otherwise provided by law, shall hold his office one year, and until his successor is elected and qualified. Provided, that at the first election after the passage of this act, there shall be elected from each ward in said city, one alderman for the term of one year and one alderman for the term of two years, and provided, also, that the odd numbered wards shall elect a school commissioner at said first election for the term of one year, and the even numbered wards shall elect a school commissioner for the term of two years, who shall hold such office until their successors are elected and qualified.

First municipal election, when and where to be held; count of votes and canvass of returns.

SECTION 2. The first election for said city of Tomahawk for the election of city and ward officers shall be held in the respective wards of said city, on the second Tuesday in April, A. D. 1891, as follows: Ten days previous notice of such election shall be given by the chairman of the town board of the town of Rock Falls, stating the time and places of holding such election, and the officers to be elected, which said notice shall be published in the Tomahawk Blade and in the Tomahawk, two weekly newspapers published in the said city of Tomahawk, and said notice shall be posted up in at least three public places in said city. The polling places for said first election shall be as follows: First ward, in that building known as McBride's hall on Railway street. The polls of the Second ward shall be at that certain store building known as Hiram Dunfield's on Tomahawk avenue. The polls of election for the Third ward shall be held in that certain building on Wisconsin avenue known as Fitzgerald's hall. The polls of election for the Fourth ward shall be held in that certain school building on the southeast corner of Fourth street and Washington avenue. The polls shall be opened at nine o'clock in the forenoon and kept open continuously without adjournment until five o'clock in the afternoon. The electors present at the opening of the various polls, shall choose from the qualified electors, *viva voce*, three inspectors of election, and two clerks of election, and the persons so chosen to act as inspectors and clerks of election shall, before entering upon the duties of their office, take and subscribe the oath required of inspectors

and clerks of general elections, which said oath shall be administered by some person duly qualified to administer oaths in the county of Lincoln. At the closing of the polls the inspectors shall then and there count the votes, and ascertain the number of votes for each candidate or person voted for, and shall forthwith make a certified return thereof, duly signed, stating therein the number of votes cast for each person and the office designated, and the whole number of votes cast, and shall forthwith deliver or cause to be delivered such return, together with the poll lists kept by the clerks, to the county clerk of Lincoln county. In case of any neglect or failure of any inspector or clerk to comply with the provisions of this section, the same penalty or fine shall be imposed and collected in the same manner as is provided for like neglect or failure on the part of inspectors or clerks in the annual city elections under this act. On Thursday morning next after said election at ten o'clock, the county clerk, together with two justices of the peace of Lincoln county, to be named by said county clerk, shall meet at the office of said county clerk and canvass said returns and declare the result of said election as it appears from the same, and shall thereupon forthwith give notice in writing to each person elected, of his election. The county clerk shall retain in his possession such returns, poll lists and the record of their doings thereon until the city clerk of Tomahawk, elect, shall have qualified and entered upon the discharge of the duties of his office, when he shall thereupon forthwith deliver to such city clerk said returns and poll lists and the records of the action of said canvassing board, together with his certificate that the returns, poll lists and records so delivered by him to said city clerk are the identical returns and poll lists received by him from said inspectors of election and election clerks, and of the whole thereof; that the same nor any part thereof has not been out of his possession since they were received by him, and that they have not been changed or altered or tampered with in any respect, and that the records so delivered by him are the records kept of the proceedings of said canvassing board, and the whole thereof. Such city clerk shall thereupon file said returns,

poll lists and records in his office and record the same in such manner and in such book as the common council shall provide. If in the first election two or more persons shall receive the same number of votes for the same office the election shall be determined by the casting of lots in the presence of the county clerk and the two justices of the peace composing said canvassing board, at such time and place and in such manner as such board may direct, but not to exceed three days after such returns and poll lists shall have been delivered to them. The county clerk and justices of the peace aforesaid shall receive the same compensation for their services as is allowed by law to county canvassing boards on canvassing the returns from general elections in this state.

Elective officers to be electors and freeholders in said city.

SECTION 3. All the elective officers from the city at large shall be qualified voters, electors and freeholders in said city, and the supervisor and alderman and school commissioner from each ward shall be qualified voters and electors, and shall be freeholders in the ward where elected. All other necessary officers not hereinbefore named as elective officers shall be elected by the common council.

Vacancies, how filled.

SECTION 4. Whenever a vacancy shall occur in the office of mayor, supervisor, alderman or justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected to fill any vacany shall hold his office and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Removal of officers for misconduct in office.

SECTION 5. Every officer or agent may be summarily removed, by a vote of two-thirds of all the members of the common council elect and the office declared vacant. No officer shall be removed from office except for good cause, nor unless furnished with charges, and an opportunity given such officer to be heard in his defense. And the common council shall have the power to compel any and all persons in said city to appear before it and testify in any hearing or proceeding

instituted to remove from office any officer mentioned in this act, according to the provisions of the general laws of the state of Wisconsin. The common council shall proceed to said hearing within ten days from the service of the charges upon the officer so charged and may adjourn from time to time, as may be deemed necessary, and if such officer neglects to appear and answer to such charges, or if such charges are sustained, then the common council may, by a two-thirds vote of the whole council, remove such officer and declare such office vacant.

ELIGIBILITY TO OFFICE AND QUALIFICATIONS OF OFFICERS.

Officer to be elector and freeholder.

SECTION 6. No person shall be eligible to any office of said city, unless he shall be a resident elector of said city, nor to any of the ward offices unless he be a resident elector and freeholder of the ward for which such officer is to be chosen, and otherwise qualified to perform the duties of the office to which he may be elected or appointed; and whenever any person elected to any city office shall remove from the city, or any ward officer shall remove from the ward in which he holds office, he shall be deemed thereby to have vacated his office.

Officer to take oath to support constitution, etc.

SECTION 7. Every person elected or appointed to any office of said city, except justice of the peace, or the wards thereof, shall, before he enters upon the duties thereof, take and subscribe the oath of office prescribed by the constitution of the state, before some proper officer, and file the same with the city clerk within ten days after notification of election.

Official bonds.

SECTION 8. The city clerk, city treasurer, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Tomahawk a bond, with at least two sufficient sureties, which bond shall contain such penal sum and such conditions as the common council shall prescribe. Such bonds, together with the affidavits of the sureties hereinafter provided, shall be filed with the city clerk and recorded in books in his office for that purpose.

Justification of sureties on official bonds.

SECTION 9 The sufficiency of the sureties upon bonds provided for in the next preceding section, may be determined by the affidavits of the sureties, severally taken, in which affidavits it shall appear that said sureties in the aggregate are worth in property, over and above all debts, exemptions and liabilities, the penal amount of such bond, or the common council may, in any other manner, aside from the affidavits of such sureties, determine their responsibility and sufficiency, and either accept or reject such sureties, or require other or additional sureties.

Additional bonds may be required from time to time.

SECTION 10. The common council shall, at any and all times, have the power to require other or additional bonds, and other or additional sureties thereon, at any time during the official term of any officer of said city.

Office deemed vacant, when.

SECTION 11. Every person elected or appointed to any office in said city, who shall neglect to take and file with the city clerk his oath of office, as herein required, or neglect to file his official bond as provided by this act or as may be required by the common council, within ten days after notification of election or appointment, such office shall be deemed vacant, and the vacancy shall be filled as provided by this act.

Member of council not to be surety on bond to city.

SECTION 12. No member of the common council shall be accepted as surety upon any bond, note or obligation to the city.

Member of council during incumbency of office, ineligible to other office with compensation.

SECTION 13. No alderman or member of the common council, while holding such office, shall be appointed to, or be competent to hold any office of which the compensation is paid by the city.

CHAPTER IV.

GENERAL ELECTIONS.

Annual municipal election, where and when held; notices.

SECTION 1. The annual municipal election of said city shall be held on the first Tuesday of March in each year, for which purpose one place in each ward shall be procured and designated as election polls, by the common council, and notice thereof shall be given by the city clerk, for at least ten days prior to said election by publication in one newspaper, and by posting the same in three conspicuous places in each ward, which

notices shall be signed by the mayor and city clerk, and shall state the time and place where the polls will be opened, but a failure to give the notice as above specified shall not invalidate the election.

Qualified electors, who are.

SECTION 2. All male inhabitants of said city, who shall have resided therein for thirty days next preceding any election therein, and who are otherwise qualified to vote under the general laws of the state, shall be entitled to vote at such election, in the ward in which they live.

Inspectors and clerks of election.

SECTION 3. The inspectors and clerks of all general charter and special elections, held in the city of Tomahawk, shall be appointed by the mayor as provided in section 26, chapter 5, of the revised statutes of 1878, and shall have the same powers and the same qualifications as therein named.

Election, how held; canvass and return of votes.

SECTION 4. All general and special elections held in said city shall be held and conducted, and the votes canvassed, sealed and returned in all respects under and in accordance with the general laws of the state. And the inspectors and clerks of said elections shall possess the same powers and authority as are prescribed by the general laws of the state in regard to elections.

Opening and closing of polls. Canvass and return of votes.

SECTION 5. The polls of election in each ward shall be kept open from nine o'clock in the morning until five o'clock in the evening, without intermission or adjournment, and when the polls shall have been closed, the inspectors without adjourning, shall canvass the votes received at such polls and make returns thereof in writing, duly signed stating therein the number of votes received for each person for a designated office, and the whole number of votes received, and such returns, in cases of municipal elections, shall by them be delivered, together with the oaths of inspectors and clerks and the poll lists kept by them, to the city clerk to be filed in his office within twenty-four hours after closing the polls.

Election to be by ballot.

SECTION 6. All elections shall be by ballot; a plurality of votes shall constitute an election, and the names of all officers voted for shall be upon one ballot.

General election laws shall apply to elections held under this chapter.

SECTION 7. Except as herein otherwise provided, so far as the same are applicable, all of the laws relating to general elections, as to qualifica-

tions of electors, the manner in which elections shall be conducted, the making of poll lists and returns, and the punishment of illegal or fraudulent voting, or attempting to vote, and for fraudulent or illegal returns or any other fraud or wrong designated under the general election laws, shall apply to all elections provided by this act.

Canvass of returns by common council.

SECTION 8. On Thursday, next after the annual municipal election herein provided for in each year, at 7:30 o'clock in the evening, the common council shall meet at the council rooms in said city, and the returns of the inspectors of the various wards shall be produced by the city clerk, whereupon the common council shall forthwith canvass said returns and determine and declare by the greater number of votes appearing by the said returns to have been cast at said election, who are elected for each of the city and ward offices as were voted for, or any or either of them, and the council shall thereupon cause a report of such determination to be made and entered upon the minutes of said council within twenty four hours after such determination; the city clerk shall cause certificates of election to be served upon the persons so declared to be elected, personally, or by depositing the same in an envelope with postage paid and properly directed, provided that the city clerk shall at the same time certify to the clerk of the circuit court, the names of the persons so elected justices of the peace, and all persons authorized to administer oaths and take acknowledgments of instruments in writing, and the terms for which they are respectively elected when they have qualified.

In case of tie vote election to be decided by casting of lots.

SECTION 9. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time and in such manner as said common council may direct.

Official oath and bond of justices of the peace.

SECTION 10. Every justice of the peace elected or appointed by virtue of this act, shall file such oath of office and bond necessary to qualify, before entering upon the discharge of the duties of such office, as is prescribed by the general statutes for such officers of the several towns.

SECTION 11. In addition to the amount of taxes for general city purposes, special taxes may be

levied for the purchase of fire-engines, cemetery grounds, public squares and lands for railway purposes, including depots, switch yards, side tracks and such other purposes as are of public utility; but no such tax shall be levied, unless the same shall first be recommended by the common council, and afterward submitted to a vote of the people, and approved by them. Whenever the common council shall recommend such a tax it shall specify the amount to be raised and the object thereof, and cause notice of such election to be published in the same manner as in the case of the annual city election.

Levy of special taxes for purchase of fire-engines, cemetery grounds, etc. Submission of question to vote at special election.

SECTION 12. At such special election so called, no such special tax shall be raised or levied, unless the whole number of votes cast for said special tax shall be a majority of the whole number of votes cast at said special election.

Special tax to be levied only on a majority vote of electors at special election.

CHAPTER V.

POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 1. The municipal government shall consist of a common council composed of the mayor and two aldermen from each ward. The common council shall annually meet on the first Monday after the annual municipal election at 7 o'clock in the evening, and at such other times, not less than once in each month, as it shall, by resolution appoint. The mayor, or in his absence or inability to act, the president of the council, for any good reason, may call special meetings by notice to each of the members to be served personally, or left at their usual place of abode by the city clerk. The common council at any regular or special meeting shall have power to adjourn the same to such time as it may deem proper.

Common council how composed; when meeting to be held.

SECTION 2. It shall be the duty of the common council to elect one of its members president of the council.

Election of president of council.

SECTION 3. In the absence of the mayor and president of the common council, the members present, if there be a quorum, shall elect one of its members as president *pro tempore* of the common council, who shall have and poseess all the powers of mayor while so presiding.

President pro tem.; his powers and duties.

Appropriations and appointments require majority vote of members-elect.

SECTION 4. In the proceedings of the common council, each member present shall be entitled to one vote, but no appropriations or appointments to office shall be made except by a majority of all the members-elect.

Quorum, etc.

SECTION 5. The common council shall determine the rules of its proceedings, not inconsistent with any of the provisions of this act. A majority of the members-elect shall constitute a quorum for the transaction of business, and may compel the attendance of absent members, and in case of the refusal of absent members to attend for three successive meetings the common council may declare the office of the member so refusing vacant.

Vote by yeas and nays when taken.

SECTION 6. If required by one member present at any meeting of the common council, the vote upon any ordinance, resolution or question, pending before such meeting, shall, when taken, be taken by the yeas and nays of all the members present, and a record of such vote shall be entered at large in the minutes of the common council.

Additional duties may be imposed upon city officers.

SECTION 7. The common council shall have the power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to prescribe the duties of such other officers as may be appointed, whose duties are not herein prescribed.

Council to have control of city property.

SECTION 8. The common council shall have the general control of all the property both real and personal belonging to the city.

Organization of board of health.

SECTION 9. The common council shall organize a board of health, consisting of three members, and to provide measures for the preservation of the health of the inhabitants of said city and to prevent the spread of infectious or pestilential diseases therein. Each member of the board of health shall have such powers and perform such duties as the common council, by ordinance or otherwise shall direct.

Enforcement of rules and regulations of board of health.

SECTION 10. The common council may, by ordinance, authorize the board of health, or any member thereof, to make and enforce such orders, rules and regulations, not inconsistent with the charter or any ordinance of said city, as they shall deem most effectual for the preserva-

tion of the public health; but no order, rule or regulation of said board, imposing a penalty, shall take effect and be in force until the same shall have been published in a newspaper published in said city, as required for the publication of ordinances

SECTION 11. The common council shall have the power to make, modify and repeal such ordinances, resolutions, regulations or by-laws, as may be necessary to carry into full effect all the powers conferred upon it by this act. In every such ordinance, resolution, regulation or by-law passed by said common council, it may impose such penalty for the violation thereof, or any part thereof, by fine not exceeding two hundred dollars, and if not paid, with the costs, by imprisonment in the county jail of Lincoln county, not exceeding six months, or by imprisonment in any other place provided by the common council for the detention or imprisonment and punishment of persons committing offenses, not exceeding three months; and shall have the power by such ordinances, resolutions, regulations or by-laws and with such penalties aforesaid:

Common council may make, modify or repeal ordinances, resolutions, etc.

First. To preserve peace and good order, and to restrain and prevent vice, immorality and every kind of fraudulent device and practice.

To preserve good order, etc.

Second. To restrain, prevent and suppress houses of ill-fame, and all places of prostitution, and disorderly and gaming houses, billiard tables, and all instruments and devices for gaming, and to authorize the destruction and demolition of all instruments and devices used for the purposes of gaming and to punish the occupants and frequenters of such houses and places, and to prohibit the occupation of any room, building or any part thereof, within the said city for that purpose.

To restrain houses of ill-fame and gambling houses, etc.

Third. To restrain and punish vagrants, mendicants, street beggars, drunkards, and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, bawds, and disorderly persons, and to prevent drunkenness and disorderly and immoral conduct and obscenity in public places and streets and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Tramps, drunkards, etc.

Riots and disturbances.

Fourth. To prevent any riots, noises or public disturbances, and all disorderly assemblies.

Licence of saloons.

Fifth. To license, prevent or regulate the sale and giving away of ardent, spirituous wines, malt, fermented and intoxicating liquors and drinks within the city, under the provisions of this act.

Slaughter houses.

Sixth. To prohibit or regulate the erection or continuance of slaughter-houses in said city, and to cause the removal thereof.

Cleaning of meat markets, stables, etc.

Seventh. To compel the owner or occupant of any grocery, meat market, tallow chandler's shop, soap factory, tannery, stable, privy, sewer, drain or other unwholesome or nauseous house or place to cleanse, remove or abate the same as often as, and whenever the common council or board of health shall deem it necessary for the health, comfort or convenience of the inhabitants of the city, and for the prevention of disease.

Removal of unwholesome meat or other decaying substances.

Eighth. To require the removal of any putrid or unwholesome meat, fish, hides or skins or any decaying substance of any kind by any person owning or occupying the premises, on which the same may be found, and in case of his default to do so within such time as may be prescribed by the council, to cause the removal thereof, and the expense thereof shall be a lien upon the lot or premises upon which the same were found, to be enforced as hereinafter provided.

Abatement and removal of nuisances.

Ninth. To prevent, restrain, remove and abate nuisances.

Digging holes, etc., where stagnant water may remain.

Tenth. To prevent the digging, excavating or making of holes or places below the natural surface of the ground, wherein stagnant water or other noxious or unwholesome matter may accumulate, and to cause the filling up, cleansing or purifying of any such holes or places, by any person who may have caused, made or in any way assisted in making the same, and in case of the default in the filling up, cleansing or purifying thereof, within such time as may be prescribed by the common council to cause the same to be filled up, cleansed or purified, and the expense thereof shall be a lien upon the lot or premises upon which the same existed, to be enforced as hereinafter provided.

Depositing of dead carcasses within city.

Eleventh. To prohibit any person from bringing or depositing within the limits of said city the

dead carcass of any horse or dog, or the putrid carcasses of any animal, filth or rubbish or any unwholesome thing.

Storing or manufacture of explosive materials within city.

Twelfth. To prevent and prohibit the manufacture, keeping or storing of nitroglycerine, and to regulate the keeping and storing of gun-powder, gun-cotton, burning fluids, coal oil and other dangerous explosive materials in said city, and to provide for the inspection of illuminating oils and fluids.

Shooting of firearms, etc.

Thirteenth. To prohibit, restrain or regulate the discharge of fire-arms and the explosion of gun-powder and gun-cotton and the firing of fire-crackers and fire-works of any kind within the city.

Candles and lights in barns, etc.

Fourteenth. To regulate the use of candles and lights in barns, stables, shops and out-buildings.

Removal of snow, etc., from sidewalks.

Fifteenth To compel all persons to remove the dirt, snow and ice from the sidewalks in front of the premises occupied or owned by them and to keep the streets swept in front of such premises, and to prevent the encumbering of the streets, sidewalks and crosswalks, with carriages, wagons, carts, sleds, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substances or materials whatsoever, and to prohibit excavating on streets or the raising or lowering of the surface of streets, crosswalks or sidewalks, above or below the established grade, or the interference in any manner with the established grade of the streets, and to prohibit the raising of any portion of a sidewalk to a higher grade than the portion adjoining, unless with the consent of the common council, and to prohibit injury to sidewalks.

Hitching of horses on streets.

Sixteenth. To prohibit the leaving of any horse, mule or team on any street without being securely fastened or hitched.

Awning and awning posts, signs, etc.

Seventeenth. To regulate and control the erection of awnings and awning posts; to prevent the erection of signs and sign posts in the streets or over the sidewalks; and to provide for and compel the erection and maintenance of safe and convenient hitching posts and places for fastening teams, at such point or points as the council may deem necessary.

Eighteenth. To prevent and regulate the run-

Running at large and taxing of dogs.

ning at large of dogs, and to destroy them, and to impose a tax upon the owners or possessors of dogs.

Removal of persons afflicted with contagious diseases.

Nineteenth. To require and cause the removal from thickly inhabited parts of the city, of all persons having contagious diseases.

Regulating exhibitions of natural and artificial curiosities, etc.

Twentieth. To prohibit restrain and regulate all exhibitions of natural and artificial curiosities, caravans of animals, theatrical shows or performances, circuses and all other public exhibitions or performances for money, and to require, fix the amount and provide for the collection of license fees for any and all such public exhibitions or performances.

Ringing of bells, blowing of whistles, etc.

Twenty first. To regulate, restrain and prohibit the ringing of bells and blowing of whistles and the crying of goods, wares and merchandise or other commodities in the streets of said city.

Licensing of auctioneers.

Twenty second. To impose and collect license fees of each auctioneer, and commissions on the sale of goods, wares, merchandise or other personal property by auction, and to punish any person acting as auctioneer without a license, or refusing to report sales by auction.

Hawkers and peddlers.

Twenty-third. To regulate and restrain hawking and peddling in the streets.

City market, etc.

Twenty fourth. To establish and regulate a market or markets in said city; to restrain and regulate the sale of fresh meats, fish and vegetables, and to select places for the sale of hay, wood, straw, grain, lumber, lime and all other articles offered for sale from wagons, sleighs or vehicles, and cause the same to be weighed, measured or inspected, and to establish and collect fees for such weighing, measuring or inspecting, and to prohibit, under penalty, the sale of all such articles at any other place or places.

Public pounds.

Twenty fifth. To establish and regulate public pounds.

Running at large of cattle, etc.

Twenty-sixth. To restrain and prohibit the running at large of cattle, horses, mules, sheep, swine, geese and fowls, in said city, and to cause such as may be found running at large to be impounded, and to have a lien thereon, for all fines, penalties, costs, poundage and damage done thereby, and to cause the same to be sold to discharge the said

liens, and to punish the owners of such animals and fowls running at large.

Twenty-seventh. To prevent and punish horse racing and immoderate driving or riding in the streets or highways; to require all persons driving horses with sleighs or cutters in the streets of said city to carry bells either upon the horses or other animals to warn other persons using said streets, and prevent and punish persons playing any game or doing any act having a tendency to frighten horses or annoy persons passing in or along the streets or highways or endanger property. Horse racing and fast driving on streets.

Twenty-eighth. To compel railroad companies and other corporations and persons to do all needful and proper draining, grading and filling up the lands owned or occupied by them, within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings and carriage ways over their several tracks, and place flagmen at such street crossings in said city as said common council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent such cars from passing at a greater rate of speed than six miles per hour through said city, and to prevent the obstruction of streets, lanes and highways by the cars of said company, and to regulate the putting up of all necessary signs to "beware of the cars," at railroad and street crossings. Railroad and other corporations to fill up and drain lands, to construct suitable crossings, etc.

Twenty-ninth. To prevent the use of false weights and measures. False weights and measures.

Thirtieth. To direct and require the keeping of records of mortality by physicians, sextons and others. Records of mortality, etc.

Thirty first. To protect shade trees and direct and compel and regulate the planting, rearing and preservation of shade or ornamental trees in the streets and public grounds in said city. Shade and ornamental trees.

SECTION 12. The common council shall have authority by ordinances, resolutions or by-laws:

First. To manage and regulate the finances and to regulate, preserve and dispose of the property, real and personal, belonging to the city. Regulation of finances.

Second. To purchase all real estate, all other property, as may be required for the use of such city, for public uses; provided the cost thereof shall not exceed the amounts previously limited therefor. Purchase of real and other property for use of city.

iness than that so specified in the call. He shall possess all such other powers, and perform all such other duties as are incident to and are necessary for the faithful discharge of his duties under this act.

The president of the council, his powers and duties.

SECTION 2. The president of the common council shall possess all the powers and perform all of the duties of the mayor, in his absence or inability to act.

The city clerk, his powers and duties.

SECTION 3. The city clerk shall attend all the meetings of the common council, and keep a correct record of its proceedings. He shall have custody of the corporate seal, and of all the papers and records of the city, that by provisions of law, or by direction of the common council, are required to be kept in his office, or filed by him. He shall see that all ordinances, orders, resolutions, notices, proceedings of the common council and other matters requiring publication, are published within two weeks in such paper or papers as the common council may direct, and that due proof thereof be made and recorded, as in this chapter provided; and it shall be the duty of the city clerk to furnish such paper or papers a certified copy of said proceedings, ordinances, orders, resolutions, notices and other matters requiring publication. He shall record all papers and proceedings required by any of the provisions of this act, to be recorded in his office. He shall serve in the capacity of clerk of all such boards or committees as the common council may direct and shall also be clerk of the school board of said city. He shall attest all orders drawn upon the treasury, and sign all licenses granted by the common council, and keep correct records thereof in books provided for that purpose, in such manner as may be designated by the common council. He shall keep a detailed account of the financial condition of the city; of the amounts expended through orders drawn upon the treasury, of all balances remaining unexpended, of the condition of any fund or separate appropriation for particular purposes, of the amounts received into the city treasury, as appears by the reports of the treasurer, and all other facts desired by the common council, at any regular meeting or at any other time. He shall do and perform any other or further act

or service in relation to any details in the matter of keeping books of accounts, records of proceedings, which the common council may, by ordinance or resolution require. He shall make copies of the assessment roll of the city, and a list of the persons liable to poll tax, as may be required by the law of the state or common council. He shall keep a record in detail of the bonded indebtedness of the city, in such manner as will show the amounts required to be paid each year for interest and principal or to invest in the sinking fund. He shall before the levy of any annual tax by the council, make report of all amounts in detail, which the city will be required to pay towards any indebtedness, and such facts and statements of past expenditures, as will enable the council to make proper estimates for tax levies He shall keep a record of all the proceedings in matters relating to the condemnation of private property for public use, all proceedings in any improvements by which the expense or any portion thereof shall be chargeable to any real estate. He shall, at the regular meeting each month, make a report to the common council of the amount of money belonging to the general fund in the city treasury at the last meeting, the amount of orders drawn on said fund since the last meeting, and the balance on hand at the date of meeting. He shall have power to administer oaths and affirmations in the discharge of the duties of his office, and shall appoint a deputy city clerk, who when so appointed and confirmed by the common council, shall possess all the powers and authority of the city clerk. The city clerk may in addition to his salary receive such fees as the law prescribes for filing chattel mortgages and making certified copies of the same or any service in connection with his office not in this act specified or hereinafter required by the common council.

The city treasurer, his powers and duties.

SECTION 4. The city treasurer shall receive and safely keep until lawfully paid out, all moneys belonging to the city and keep accurate and detailed accounts of all disbursements in such manner as the common council shall direct. He shall collect all licenses, duties, commissions and moneys due the city, all general and special taxes and assessments, except as otherwise provided,

which may be lawfully charged, levied or assessed upon the real and personal property in this city, and chargeable therewith, and exercise the same powers and be subject to the same liabilities as treasurers of towns, except when a special direction and duty is imposed by this act. He shall pay all orders drawn upon the treasury by authority of the common council, or as may be required under any special provision of this act. He shall report to the common council at the end of each month, the actual amount of money in the treasury together with the amount of money received and paid out, which said account shall be delivered over to the city clerk, and filed in his office, after the same shall have been examined by the common council. He shall at the end of his official term or oftener, as may be required by the common council, make a detailed report of all the transactions of his office, and at the end of his term of office shall thereupon deliver over to his successor in office, all moneys or property belonging to the city, as well as all books, records, papers or documents in any way pertaining or belonging to the office. The treasurer shall in addition to the duties herein enumerated, do and perform all the duties provided to be done and performed by him in any portion of this act. The fees of the city treasurer shall be as follows: For all taxes in the general tax roll collected on or before the first day of February each year, he shall receive two *per cent.* on the amount collected; for all taxes collected after the first day of February in each year he shall receive five *per cent.* on the amount so collected. He shall have two *per cent.* on all the moneys received except moneys turned over to him by his predecessor.

The chief of police, his powers and duties.

SECTION 5. The chief of police shall perform such duties as shall be prescribed by the common council for the preservation of the peace. He shall possess all the power and authority of constable of towns and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinances of said city, may pursue and serve the same in any part of the state. It shall be his duty to

suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city or the laws of this state, and forthwith bring such person before a justice of the peace for examination or trial, and for such service he shall receive such fees as are allowed by law to constables for like services in this state; provided, that if said chief of police perform any labor by direction of the common council or required by law, for which no fees are allowed, he shall receive such compensation as the common council shall determine.

The assessors; their powers and duties.

SECTION 6. The assessor elected under this act shall, in all things pertaining to his office, be governed by the same laws as assessors under the general laws of this state, and his compensation shall be established by the common council.

SECTION 7. The board of review shall consist of the mayor, clerk, assessor and two members of the common council, to be chosen by the council. They shall meet on the day fixed by law for that purpose, and in all things be governed by the general laws of this state. The members of the board of review shall receive such compensation as shall be allowed by the common council, not to exceed three dollars per day.

Board of review, how composed.

SECTION 8. Each of the justices of the peace provided for in this act shall hold a court for the trial and determination of such actions, civil and criminal, as they have jurisdiction of as justices of the peace under the general laws of the state or the provisions of this act. All the general laws of the state of Wisconsin relative to the proceedings in justice courts in civil or criminal proceedings, shall apply to the courts of such justices except as otherwise provided in this act.

Justices of the peace; their jurisdiction.

SECTION 9. The justices of the peace of said city shall have exclusive original jurisdiction of all criminal cases arising in said city, to try and determine, or commit for trial, as may be, and of all cases, civil or criminal, arising under the ordinances, rules or regulations of said city, all the general provisions of law concerning the trial of criminal offenses and the conducting of criminal

prosecutions, appeals from the judgment of justices, the fees of officers, and the proceedings in which upon trial the justice finds he has not final jurisdiction of the case, shall govern trials under this act. When an act or omission, declared to be an offense by the general laws of the state is also made an offense by the provisions of this act or the ordinances of the city passed pursuant thereto, a conviction or acquittal in a prosecution under the general law shall be a bar to a prosecution under this act, or such ordinances. The persons accused shall have the same right to a removal of the case for prejudice as provided by the general laws of the state. All fines collected on conviction for such acts or omissions shall be paid into the city treasury, and become a part of the general fund thereof.

The city attorney; his duties.

SECTION 10. The city attorney shall be an attorney of a court of record of this state. He shall perform such services as by ordinance directed by the common council. He shall, when directed by the common council, conduct all legal proceedings for said city, whenever said city may be a party to the same, and shall upon all matters furnish to the common council his opinion in writing involving the rights of said city.

CHAPTER VII.

ORDINANCES

Ordinances, how passed.

SECTION 1. Every ordinance of the common council shall before it takes effect, be duly signed by the mayor and attested by the city clerk; provided, however, that no ordinance shall be in force until it shall have received at least one publication in a newspaper published in the city of Tomahawk, and proof of such publication by the affidavit of the publisher, printer or foreman of such newspaper, to be filed with the city clerk; and the ordinance and proof of publication thereof shall be recorded in a book kept for that purpose.

Style of ordinances.

SECTION 2. The style of all ordinances shall be "The common council of the city of Tomahawk do ordain as follows," etc.

SECTION 3. A printed copy of an ordinance passed by the common council and published in a newspaper, or in a pamphlet, or book form, purporting to be published by authority of the common council of said city, as certified by the clerk of said city to have been published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in the state. Ordinance, how proved.

CHAPTER VIII.

PROCEDURE FOR VIOLATIONS OF ORDINANCES, LAWS, ETC.

SECTION 1. The city of Tomahawk may sue for and recover any and all penalties or forfeitures, under the charter of said city, or any amendment thereto, or the ordinances, by-laws, police or health regulations made in pursuance thereof in the corporate name of said city of Tomahawk, any general law of the state, to the contrary nothwithstanding, and such actions shall be commenced by complaint, substantially in the following form: Suits for recovery of penalties and forfeitures.

State of Wisconsin, }
City of Tomahawk, and } ss.
County of Lincoln. }

Form of complaint.

....., being duly sworn, complains on oath to..... .., a justice of the peace in said city, that ..... did, on the ..... day of ....., 18.., violate the ..... section of an ordinance, by-law or resolution (describing it by its title and number of section), which said ..... is now in force, as this deponent verily believes, and prays that said ..... may be arrested and held to answer to the city of Tomahawk thererefor.

Sworn a^d subscribed to before me this ..... of ....., 18...

.....

It shall be sufficient to give the number of the section or sections, and the chapter or title of the ordinance, by-law, regulation or resolution, or of the law violated in such complaint, with the number of the section or sections. Upon the filing of said complaint with the justice having jurisdic-

tion, a warrant shall issue thereon substantially as follows:

Form of warrant.

State of Wisconsin,
City of Tomahawk, and } ss.
County of Lincoln.

The state of Wisconsin, to the chief of police of said city of Tomahawk, or the sheriff or any constable of said county, greeting:

Whereas, ... has this day complained to me in writing, on oath, that ... did, on the .... day of ....., A. D. 18.., violate the .... section or sections of an ordinance, by-law, regulation or law (describing it by its chapter or number), which said .... is now in force and effect, as said complainant verily believes; therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ....., and him forthwith bring before..... to answer to said city of Tomahawk on the complaint asoresaid.

Given under my hand this .... day of ...., 18..

.....

Witnesses and jurors may be compelled to attend without payment of fees in advance, when.

SECTION 2. Witnesses and jurors shall attend in all city prosecutions without the payment of fees in advance, upon process of the court, duly served, and in default thereof their attendance may be forced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Judgments in city prosecutions; executions.

SECTION 3. In city prosecutions the finding of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, and where the same is not to exceed a certain sum, and not less than a certain other sum, shall fix the amount of such fine, penalty or forfeiture, as he shall deem best, within the provisions of such ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. If not guilty the costs as in actions in justices' courts, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit. Execution shall issue forthwith upon the rendition of

the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be imposed and collected by levy and sale on execution of the property of the defendant as provided by law in civil actions before a justice of the peace.

Defendant's body may be taken on execution, when.

SECTION 4. The execution upon any judgment recovered in any such action, may require that in case nothing shall be found from which the amount can be collected, the defendants shall be taken and imprisoned in the jail of Lincoln county, for a term not exceeding six months, or in the police station, not exceeding three months, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. And said execution and commitment may require the defendant to perform hard labor during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Lincoln county, or in the police station, according to the terms of the execution. Such execution may be in the following form:

Form of execution.

State of Wisconsin,
City of Tomahawk, } ss.
County of Lincoln.

The state of Wisconsin, to the sheriff or constable of said county of Lincoln, the chief of police of said city, the keeper of the common jail of said county, or the keeper of the police station:

Whereas, the said city of Tomahawk, on the .. day of....., 18.., recovered a judgment before the ..... of said ....., against ....., for the sum of ..... dollars, together with ..... dollars, costs of suit, for the violation of (here insert the number of section, chapter or title of the ordinance and offense, as set forth in the complaint).

These are, therefore, in the name of the state of Wisconsin to command you to levy distress on the goods and chattles of said ....., (excepting such as the law exempts) and make sale thereof according to law in such case made and provided, to the amount of said sum, together with your fees and twenty-five cents for the execution; and the same return to

me within thirty days, to be rendered to the said ....., for said judgment and costs and for want of said goods and chattels whereon to levy, to take the body of said ...., and him convey and deliver unto the keeper of the common jail of said county, or to the keeper of the police station of the city of Tomahawk, who is hereby commanded to receive and keep the ....., in safe custody in said ... ., and at hard labor, for the term of ...., unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by the due course of law.

Given under my hand this .. day of ....., 18...

....

Disposition of fines and penalties, when collected.

SECTION 5. All penalties, forfeitures and fines or claims due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer within one month after the receipt thereof by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same, to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same for five days after the return day thereof, the judge or justice shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city against the officer and his sureties for the default.

Appeals in city prosecutions.

SECTION 6. Appeals shall be allowed in all said cases to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions may appeal to the circuit court of Lincoln county by filing an affidavit and bond and complying with the requirments of appeals in civil cases before justices of the peace; provided, however, that such appeals shall be taken and perfected within forty-eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the judge or justice shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged and the judge or justice shall transmit the papers in the case so appealed, with a transcript of his docket, to the circuit court, within the time and in the

manner prescribed in cases of appeals from justices of the peace.

SECTION 7. The jail fees and officer's fees, if any, for commitment on prosecution in behalf of the city, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge; and said common council may by resolution, direct the judge or justice to discharge from the jail or police station any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the city clerk, the judge or justice shall order such defendant discharged from custody and make an entry of such discharge in his docket; an execution may issue or may be renewed by endorsement from time to time, before or after the return day thereof; and before or after the commitment of the defendant, until the judgment is satisfied or released; but after the defendant shall have been once committed, no execution shall be issued against the body of the defendant in the same action.

Jail and officers fees shall be audited by the common council; how prisoner may be discharged.

CHAPTER IX.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city of Tomahawk shall commence the second Tuesday of March.

Fiscal year.

SECTION 2. All moneys, credits and the demands belonging to the city of Tomahawk, shall be kept by and deposited with the city treasurer, and be under control of the common council, and shall only be drawn upon orders signed by the mayor and city clerk, duly authorized by a vote of the common council and in no other manner; and all resolutions adopted by the common council authorizing the expenditure of moneys shall explicitly specify the amount to be expended, and no extra or additional compensation shall be allowed or paid on any contract or on account of any contract, or to any officer, contractor, person or persons, for any service or work done, or material furnished to or for the city.

Funds of city, how kept and how disbursed.

Majority vote of the common council required to charge city with debt.

SECTION 3. No debt shall be contracted against the city, or certificate of indebtedness be drawn upon the city treasury, unless the same shall be authorized by a majority of all the members-elect of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the common council; provided, that the common council shall not in any case, or under any pretext or for any purpose whatever, contract debts or liabilities of any kind, name or nature, exceeding the amounts which it is authorized by the provisions of this act to levy for the current year.

Fines, penalties, etc., to be credited to general fund.

SECTION 4. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city passed thereunder, or for any act of omission or commission forbidden or made punishable by or under the general laws of the state, which act of omission or commission is also forbidden or made punishable by any ordinance, by-law or regulation of said city, and all moneys received for licenses, except insurance percentage, and from all other sources for the city, shall be paid into the city treasury and become a part of the general fund.

City orders; how drawn and how may be transferred.

SECTION 5. All orders drawn upon the treasury of the city shall be made payable to the order of the person in whose favor they may be drawn, and shall be transferred only by endorsement. Each order shall specify upon its face the purpose for which it was drawn, and from which fund the same is to be drawn, and the same shall be payable out of the proper fund, and all such orders shall be received in payment of any municipal tax levied and assessed.

Fire insurance companies to pay two per cent. of premiums to city treasurer.

SECTION 6. All corporations, companies and associations, by their respective underwriters or agents engaged in said city in effecting fire insurance, shall account and pay to the city treasurer two *per cent.* upon the amount of all premiums, which shall have been received or agreed to be paid for insurance, at the time and in the manner and form prescribed or provided for by section 1928, revised statutes.

Real estate exempt by general laws shall be subject to special assessments.

SECTION 7. Real estate exempt by the laws of this state from general taxation, shall be subject to special taxes for the building of streets,

sewers, sidewalks, repairing and cleaning of sidewalks, removal of nuisances, and such other work and labor for which a special lien is given and the making of local and general improvements, and all the property of the city shall be subject thereto; provided, that the property of the city shall be exempt from all taxation except such special tax.

Statement of receipts and expenditures to be published once in each year.

SECTION 8. The common council shall at least ten days before the annual election in each year, cause to be published in one or more newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived and a detailed itemized statement of all accounts allowed during the fiscal year stating the nature and purpose of each account, and by whom presented, and to whom paid, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

CHAPTER X.

STREETS AND HIGHWAYS.

Council may alter, widen or discontinue any street or highway.

SECTION 1. The common council of the city of Tomahawk shall have the same power and authority to lay out, alter, widen and discontinue any street or highway within the limits of said city, that is now or may hereafter be conferred on the supervisors of towns in this state, and all streets, highways or alleys within the limits of said city, hereafter laid out, altered or discontinued shall be laid out, altered or discontinued by the common council of said city under the provisions of chapter 52, of the revised statutes, and in all respects in the same manner as is provided in said chapter 52, for the laying out, altering or discontinuing highways in the towns of this state.

Laying out and opening of alleys.

SECTION 2. The common council shall have power to lay out and open alleys within the limits of said city, in the same manner as highways,

upon petition of a majority of the property holders abutting the proposed alley; provided, that any damages awarded to any property holder abutting said alley shall be assessed on all property abutting said alley in equal proportions, according to the number of feet fronting on said alley.

CHAPTER XI.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed, shall be made and constructed of fire proof material, to prohibit the repairing of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damages and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

May prevent dangerous construction of chimneys, fire places, etc.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as it shall prescribe, and to regulate the use of them in case of fire; to regulate and prevent the carrying on of manufactories, dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of

fires, and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Purchase of fire-engines and apparatus; organization of hook and ladder and hose companies

SECTION 3. The common council shall have full power to purchase fire-engines, and other fire apparatus as provided for in this act, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed forty able bodied men, between the ages of eighteen and fifty years, and may elect its own officers and form their own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by volunteer enlistment. Every member of said companies hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in cases of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of seven years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Fire warden.

SECTION 4. The mayor shall appoint a fire warden for said city, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and he may at any time, enter into any building, house, store, barn or enclosure, for the purpose of inspecting the same.

Person refusing to obey lawful order of officer at fire may be arrested.

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, or the mayor or chief of police, at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman, or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such

officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any such person, who shall refuse to arrest or aid in arresting any person, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Organization of sack companies.

SECTION 6. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as it may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief of the fire department. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Tomahawk, and are hereby vested with all the power and authority which now is, or may hereafter be, vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires it shall take charge of all property which may be exposed or endangered. and shall, as far as may be in its power, preserve the same from injury or destruction. Such company may, from time to time, adopt such laws as it deems necessary not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer of fire department.

SECTION 7. The treasurer of the fire department shall receive and pay out all moneys belonging to said department and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief or acting chief and countersigned by the clerk of said department.

SECTION 8. There shall be elected by the members of such company aforesaid annually at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Election of clerk and treasurer of fire department.

SECTION 9. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note the fact on the list thereof and shall return to the clerk of the board of supervisors of the county of Lincoln, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Record to be kept of names of members of fire companies.

SECTION 10. The officers of the fire department shall be a chief, an assistant chief, a secretary and treasurer. The several fire companies shall hold at least one annual meeting for the purpose of electing department officers; the first meeting to be called by the mayor. Each member of the several companies, in good standing, shall be entitled to a vote in the election of department officers, and a majority of the votes cast shall elect. The officers so elected shall be subject to confirmation by the common council.

Officers and meetings of fire companies.

CHAPTER XII.

CONSTRUCTION, REPAIR AND RE-CONSTRUCTION OF SIDEWALKS.

SECTION 1. The common council shall have the power to order the building, construction, re-

Resolution for building or repair of sidewalks; copy to be served on owners of lots along which sidewalk is to be built.

construction or repair of sidewalks in the city of Tomahawk in such manner as it may deem proper; provided, however, that when any member of the common council shall offer a resolution for the construction of any sidewalk in the city, the resolution shall be referred to the proper committee and lie over until the next regular meeting. Such resolution shall describe the street or part of street along which, and the block along side of which it is proposed to construct such sidewalk. The city clerk shall, within five days after such resolution is introduced and referred, serve a copy of such resolution on each and all of the residents and occupants of lots on the street or streets along which it is proposed to build such sidewalk.

Action of common council on resolution; order requiring sidewalk to be built.

SECTION 2. At its next regular meeting after such resolution shall have been so offered and referred, action shall be had by the common council thereon, and if such resolution be adopted by the common council, an order shall be entered among its records requiring a sidewalk to be constructed along such street or part of street or lands described in said resolution. The common council in such order, shall designate and determine the street or part of street along which such sidewalk shall be so constructed, and the time within which the owner or owners of the property along such street or streets shall build the same. If the owner or owners of any such lot or lots, or of such lands, shall fail to so construct such sidewalk opposite the lot or lots, or lands so owned by him or them within the time limited in said order the city shall construct such part thereof as such owner or owners have so failed to construct and charge the cost thereof to the lot or lots or lands along side of which the city shall have so constructed such sidewalk.

Service of order on lot owners; same on non-resident lot owners.

SECTION 3. Within three days after this order shall have been entered as aforesaid, the chief of police of said city shall serve a copy of such order upon the residents and occupants of the lots or lands along side of which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners or occupants in said city. In case any owner or owners of any such lot or lots, or of such lands shall not reside thereon or in the city of Tomahawk, or his or their name or names shall

be unknown to the chief of police, then such order shall be served on such non-resident or unknown owner or owners, by publishing the same in some newspaper published in said city at least once, and at least ten days before the expiration of the time limited in said order for the construction of such sidewalk. As soon as the chief of police shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof; and in case the order shall have been published as hereinbefore provided, he shall attach to his return and file therewith, the affidavit of the publication thereof, and in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

Lot owner may build sidewalk, when.

SECTION 4. At any time after such order shall have been so entered by the common council as hereinbefore provided and within the time therein limited therefor, the owner or owners of the lots or land along side of which such sidewalk is to be constructed, may at his or their own expense, and in the manner and of the width and material designated in such order, construct such sidewalk along side of the said lot or lots, or lands owned by them respectively.

Report of committee on streets; what to contain.

SECTION 5. Within three days after the expiration of the time limited in such order for constructing said sidewalk, the committee on streets shall examine the street, part of street or block along which said sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing, signed by him, as to the construction of the same. They shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been constructed in conformity with such order, and shall describe the lots or parts of lots or lands, if any, along side of which such sidewalk has been so constructed, as well as the lots, parts of lots or lands, if any, along which said sidewalk has not been so constructed.

If sidewalk not constructed as in order required, council to direct committee on streets to build same.

SECTION 6. If it shall appear by such report of the committe on streets that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council

shall, at the next regular or special meeting after such report shall have been made and filed, direct the committee on streets to proceed at once to construct in conformity with said order, such parts of said sidewalk as said report shows has not been so constructed, and the said committee on streets shall thereupon proceed at once so to construct such part of such sidewalk.

Further report of committee on streets.

SECTION 7. Immediately upon completing their work the committee on streets shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which they shall state the total expense actually incurred by them in so constructing that part of such sidewalk in front of each lot, or part of lot, or land along side of which it appears by their report the owner or owners of such lot, or part of lot, or land had failed as aforesaid to construct sidewalk.

Levy of special tax to pay for building of sidewalks; amount of special tax to be inserted in tax list.

SECTION 8. At its next regular or special meeting after such statement shall have been so filed, the common council shall, by resolution, levy and assess upon each lot or part of lot or lands, along side of which any sidewalk or part of sidewalk, shall have been so constructed by said committee on streets, as appears by their said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same, as appears by said statement, and said resolution shall describe each of such lots or parts of lots, or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each lot or parts of lots, or lands. On or before the first day of December of each year, the city clerk of said city shall insert in a separate column in the tax list of this city, next thereafter to be delivered to the city treasurer of said city for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto, as appears by aforesaid resolution adopted by the common council and the said special taxes shall be collected or returned delinquent, in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots or parts of lots, or lands upon which such special taxes may be so

levied and assessed, may be sold and conveyed for the non-payment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

Repair and reconstruction of sidewalks.

SECTION 9. Whenever it shall be necessary, in the opinion of the common council to repair or reconstruct any sidewalk the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lot or lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks; provided, however, that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same along side of any lot or piece of land shall not exceed three dollars, the committee on streets shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city to repair such sidewalk; and if such owners shall not at once proceed to repair the same, the committee on streets shall at once repair such dangerous sidewalk, and the cost of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the costs of constructing new sidewalks are levied and collected from the lots and lands abutting thereon.

CHAPTER XIII

MISCELLANEOUS PROVISIONS.

Work for city to be let by contract.

SECTION 1. All work for the city, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract, and the council shall have the right to reject any bid when it is deemed for the interest of the city to do so.

Judgments in favor of city not to be remitted except by majority vote of council.

SECTION 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a majority of the aldermen-elect.

Property of inhabitants of city, etc., not liable for debts of city.

SECTION 3. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue

of an execution issued to satisfy or collect any debt, obligation or contract of said city.

Form of deeds and leases from city of Tomahawk.

SECTION 4. When the city of Tomahawk deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Tomahawk, and the person or persons, authorized to execute such deed or lease, need not be named in the bond thereof.

Deeds or leases of city how to be executed.

SECTION 5. The mayor of said city is hereby authorized when the common council shall, by ordinance or resolution, for that purpose (describing the real estate and interest to be conveyed), order and direct him so to do, to execute a deed or lease of such real estate or interest therein, belonging to said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and leases.

Copy of ordinance or resolution directing execution of deed to be attached to deed.

SECTION 6. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and an attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached and recorded, shall be, in all the courts of this state, *prima facie* evidence of the authority of such mayor to make and execute such deed or lease.

When defendant's body taken in execution in favor of city, subsequent costs to be added to judgment.

SECTION 7. When judgment is rendered against any person for the violation of any city ordinance, and such person shall be committed for the non-payment thereof, and subsequent costs and expenses made thereon, including his board, shall be added thereto, which he shall be required to pay in case of payment of said judgment.

City to have use of Lincoln county jail.

SECTION 8. The keeper of the common jail of the county of Lincoln is hereby required to receive and keep all persons who shall be arrested by the proper officers for the violation of any city ordinance, or committed for the non-payment of any judgment, fine or penalty.

Member of council ineligible to office provided herein, during incumbency of seat in council.

SECTION 9. No member of the common council shall be eligible to any other office provided for by this act, during the term for which he shall have been elected or appointed, except as provided in this act. No member of the common

council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

Member of council not to be interested in sale or contract with city

SECTION 10. No member of the common council shall be a party to, or interested in any job or contract with the city or any department thereof; and any contract in which any such member may be so interested shall be null and void. No member of the common council shall sign any bond as surety for the performance of any contract or agreement with such city or official bond to such city during his term of office.

Form of licenses.

SECTION 11. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk, until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount to be paid therefor.

Penalty for malfeasance in office.

SECTION 12. Every member of the common council of the city of Tomahawk who shall directly or indirectly vote to himself or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter, or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of election, members of the board of registry and as members of the board of review; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office and may be prosecuted by complaint before any justice of the peace in the city, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

SECTION 13. No action in tort shall lie or be maintained against the city of Tomahawk, unless

Claim against city for injuries to be filed within ninety days after happening of event.

a statement in writing, signed by the person injured or claiming to be injured of the wrong and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

Reward for perpetrator of heinous crime, may be offered.

SECTION 14. Whenever any grave or heinous crime shall have been committed in said city against life or property, the mayor, with the concurrence of the common council, may offer a reward for the arrest and conviction, or either, of the perpetrators of such offense.

Mayor and members of council to receive no compensation.

SECTION 15. The mayor and members of the city council shall receive no compensation or salary for any services rendered under this act, except as otherwise provided in this act.

City officers to deliver books, papers, etc., to successor in office.

SECTION 16. All city or ward officers at the expiration of their term of office, or upon their resignation, removal or vacation from office, shall immediately deliver to their successor in office all property, moneys, books, papers and effects of every description in their possession belonging to the office they may have held. Any person who may have held an office, neglecting or refusing so to do, for twenty-four hours after the presentment by his successor, of the city clerk's certificate of his successor's election or appointment, and qualification to the office, shall forfeit and pay for the use of said city for every twenty-four hours' refusal, the sum of one hundred dollars and all damages and costs incurred, either by the said city or his successor by reason of such neglect or refusal.

Common council may issue bonds to liquidate indebtedness.

SECTION 17. It shall be the duty of the common council as soon as practicable after their election and qualification, to ascertain the true amount of the outstanding indebtedness of the city of Tomahawk contracted prior to the passage of this act, including outstanding orders and the other evidence of indebtedness lawfully contracted and to provide for the prompt payment or settlement of the same, and it shall have power to issue bonds at a reasonable rate of interest not exceeding seven *per cent.* to liquidate said indebtedness, and to provide a sinking fund for the payment of said bonds. And the proportional amount to be raised for said purpose shall be

annually levied and put into the tax roll of said city and collected as a fund to liquidate said indebtedness in excess of the amount of tax herein limited to be raised for general purposes, and such fund shall be collected and set apart as a special fund for the payment of such indebtedness.

Judgment against city how paid.

SECTION 18. When a final judgment shall be recovered against the city of Tomahawk, or against any city officer in an action by or against him in his name of office, when the same should be paid by the city, the judgment creditor, his assigns, or attorney, may file with the city clerk a certified transcript of such judgment, or of the docket thereof, together with his affidavit showing the amount due thereon and all payments made, if any, and that the judgment has not been appealed from or removed to another court or if so appealed from or removed, has been affirmed, and thereupon the city clerk shall assess on the next tax roll the amount thereof, with interest thereon from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said city, and the same shall be collected and returned as other city taxes, and when collected shall be paid to the party entitled thereto.

Council may issue bonds for public improvement. Limit of municipal indebtedness.

SECTION 19. The common council of said city shall have authority to issue bonds of said city for such public improvements as shall be duly authorized by said common council by ordinance adopted by a vote in favor of same, of at least three-fourths of all the members of the common council-elect, which said vote shall be taken at a regular meeting not less than one week after the proposed ordinance shall have been published in a newspaper of said city, which said notice shall designate the amount of such bonds to be so issued and the purpose for which they are to be issued. Provided, that no such bonds shall be issued in amount that will make the total indebtedness of said city exceed five *per cent.* of the assessed valuation of all the taxable property of said city, at the last assessment next preceding the issue of such bonds. Provided, further, that no such bonds shall be issued for any purpose without first submitting the proposition to a vote of the people

of said city and the same being approved by them.

Apportionment of indebtedness, assets, etc., of town of Rock Falls.

SECTION 20. At the first meeting of the common council of said city the mayor shall appoint from the common council a committee of three who shall have a meeting with the town board of supervisors of the town of Rock Falls within one week after such appointment, to be called by notice to each of said town board and each of said committee, for the purpose of apportioning the indebtedness, liabilities and assets of said town, which said committee and town board shall make in duplicate, certificates of their findings, one to be filed with the city clerk of Tomahawk, and one to be filed with the town clerk of the town of Rock Falls.

RELATING TO PUBLIC SCHOOLS.

BOARD OF EDUCATION.

City shall constitute one school district.

SECTION 1. The territory within the corporate limits of the city of Tomahawk, as defined by this act, shall constitute one district for the better regulation and management of the public schools of said city.

City superintendent ex-officio president of board of education.

SECTION 2, The city superintendent of schools shall be *ex-officio* president of the board of education, and shall have a casting vote in said board in all cases of a tie, and shall perform all the duties, and shall have the same rights and powers within said city, and be subject to the same liabilities as provided in this act.

Appointments to fill vacancies in board of education.

SECTION 3. The city council of said city may make appointments of commissioners of common schools to fill vacancies which may occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office until the next charter election.

Removal of school commissioner for misconduct in office.

SECTION 4. Any commissioner of common schools in said city may be removed from office for official misconduct, by the city council thereof, by a vote of two thirds of the members there-

of, but said commissioners shall be granted a full and fair hearing before removal.

SECTION 5. The commissioners of common schools in said city shall constitute a board to be styled the "Board of Education of the city of Tomahawk," which shall be a corporate body in relation to all the powers and duties conferred upon them by virtue of this act. A majority of the board shall form a quorum. At their first meeting after each annual charter election, said board shall elect one of their members president, who shall in the absence of the superintendent, preside at the meetings of said board and perform his duties. In the absence of both superintendent and president, a president *pro tem.* may be appointed.

The board of education how composed.

CLERK.

SECTION 6. The clerk of said board shall keep a record of the proceedings thereof and perform such other duties as the board may prescribe, which record or transcript thereof, certified by president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such records, and all the books and accounts of the said board shall, at all times, be subject to the inspection of the city council and of any committee thereof.

The clerk; his powers and duties.

SUPERINTENDENT.

SECTION 7. The superintendent shall have and exercise complete supervision over the several school houses, premises and appurtenances, and under the direction of the board shall superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them and the making of all repairs and improvements on and around the same, and shall faithfully perform such duties connected with the free school system as are or shall be required of him by law or by authority of the board.

The superintendent; his powers and duties.

SECTION 8. He shall visit the schools as often as is consistent with the duties of his office, and

Same; visiting schools.

make himself acquainted with the condition and management of the schools, and with the qualifications and methods of the teachers.

Same; examinations.

SECTION 9. He shall conduct the examination of classes, or see that they are properly conducted and be assured that the pupils are prepared to pass from one grade to another, and give certificates to all who in his opinion are entitled to pass.

Same; as to unruly pupils.

SECTION 10. He shall give prompt attention to every case of misconduct duly reported to him by the principal teacher of any of the departments or grades, and, if it cannot be otherwise redressed, he shall report the same to the board, and have authority to suspend the offenders until the decision of the board can be obtained.

Same; examination of teachers.

SECTION 11. He shall, as provided by law, direct and conduct the examination of teachers; and no teacher shall be employed in the public schools, who shall not have been licensed by the superintendent and approved by the board.

Same; teachers meetings.

SECTION 12. He shall see that the teachers meet together regularly for mutual improvement and interchange of views upon the different modes of instruction and discipline in order to promote harmony of action, and to establish, as far as possible, a uniform standard of excellence in all the schools.

Same; signing of contracts with teachers.

SECTION 13. The superintendent shall sign all contracts with teachers, and all orders on the treasurer, and no order or contract shall be valid without his signature with that of the clerk.

Same; annual report.

SECTION 14. He shall annually prepare a general report in which shall be exhibited in detail the operations of the public schools during the year, their condition and prospects, and the state of education in the city generally, to which shall be added such statistical and other information as may be deemed important, and such report shall be presented to the board at or before the regular meeting thereof in September in each year, and this report shall be published in at least one newspaper in the city.

APPROPRIATIONS OF MONEY.

SECTION 15. Recommendations to the city council for raising school money, shall be made at a regular meeting, and it shall require a majority of all the members of the board in the affirmative. Recommendations of appropriations.

SECTION 16. All bills against the board for any other object than teachers' wages or officers' salaries shall be verified by at least one member of the board; otherwise it shall be referred to the finance committee, and lay over until the next meeting, unless otherwise directed by the board. Bills against school board how verified.

STANDING COMMITTEES.

SECTION 17. On the evening of the first regular meeting after the charter election, the superintendent shall appoint the following standing committees, each to consist of three members: Appointment of standing committees.

1. Finance,
2. Employment of teachers,
3. Library and aparatus,
4. Text books,
5. By-laws and ordinances,
6. Building, repairs, etc.,
7. Printing,
8. Organization.

FINANCE COMMITTEE.

SECTION 18. The committee on finance shall audit all accounts referred to them by the board and report thereon. They shall make all necessary estimates for money to be raised by the city council for the support of the poor. Finance.

MEETINGS OF THE BOARD.

SECTION 19. The regular meetings of the board shall be held on the first Thursday evening of each month, at such place as may be designated for the purpose. The hour of meeting, unless other- Regular monthly meetings.

wise ordered, shall be seven o'clock from the first of October to the first of April, and for the rest of the year half past seven. Special meetings of the board may be called by the superintendent at his discretion, or at the request of any two members. Four commissioners present shall constitute a quorum.

ORDER OF BUSINESS.

Order of business.

SECTION 20.

1. Calling the roll by the clerk,
2. Reading the minutes of the previous meeting.
3. Auditing bills,
4. Presentation of communications and petitions.
5. Reports of standing and special committees.
6. Communications from the superintendent.
7. Unfinished business.
8. Miscellaneous business.

Secret meetings.

SECTION 21. All discussions with regard to the employment of teachers, shall be with closed doors, and no remarks made there shall be repeated elsewhere.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1891.

No. 242, S.] [Published March 23, 1861.

CHAPTER 59.

AN ACT to revise, consolidate and amend the charter of the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER 1.

CITY AND WARD BOUNDARIES.

City and ward boundaries.

SECTION 1. All that district of country in the county of Winnebago contained within the limits and boundaries hereinafter described, shall be a city by the name of "Oshkosh;" and the people now inhabiting, and those who shall hereafter inhabit, within the district of country herein described shall be a municipal corporation by the name of the "City of Oshkosh," and by that name capable of suing and being sued in all courts of law and equity.

City boundaries defined.

SECTION 2. The territory included in the following boundary and limits shall constitute the city of Oshkosh, to wit: Commencing at a point at the intersection of the United States meander line with the north line of section eighteen, township eighteen north, of range seventeen east, on the west boundary line of Lake Winnebago; from thence west on the north line of sections eighteen, thirteen and fourteen, to the center line of Algoma street; thence northwesterly in the center of said Algoma street and the continuation thereof to the north line of lot No. four, in fractional section ten, town eighteen, range sixteen east; thence west on the north line of lot four, to the center of section ten; thence southwesterly two thousand five hundred feet, more or less, to a point at the intersection of the United States meander line,

with the north and south one-eighth line in the southwest quarter of section ten; thence south on the one-eighth line extending through the center of the west one half, of section fifteen, to the southwest corner of the southeast quarter of the southwest quarter of section fifteen; thence east on the south line of section fifteen, eighty rods more or less, to the north one-quarter post of section twenty-two; thence south on the north and south one-quarter line of sections twenty two and twenty-seven, two miles more or less, to the north one quarter post of section thirty four, town eighteen, range sixteen east; thence east on section line one and one-half miles more or less, to the northeast corner of section thirty-five, town eighteen, range sixteen east; thence south on the section line eighty rods more or less to the southwest corner of lot one, fractional section thirty-six, town eighteen, range sixteen east; thence east on the south line of lot one, three-eighths of a mile, more or less, to the United States meander line on the west boundary of Lake Winnebago; thence northeasterly along the United States meander lines of the west shore of Lake Winnebago to the place of beginning.

Ward boundaries defined.

SECTION 3. The territory included in the following boundaries and limits shall constitute the different wards of the said city of Oshkosh, to-wit: All that portion of said city lying north of Fox river, and west of the center of Main street, and south of the section line on the north side of sections twenty-three and twenty-four, shall constitute the First ward. All that portion of said city bounded on the south and east by Fox river and Lake Winnebago, and on the west by the center of Main street, and on the north by the center of Washington street, shall constitute the Second ward. All said city which lies east of a line through the middle of Minnesota street from Fox river to the north line of the southeast quarter of the southeast quarter of section twenty-six, of town eighteen north, of range sixteen east; thence east to the center of Oregon street; thence south through the center of Oregon street to the south line of the city shall constitute the Third ward. All that portion of said city

which lies west of a line running through the middle of Minnesota street from Fox river to the north line of the southeast quarter of the southeast quarter of section twenty-six of town eighteen north, range sixteen east, and south of a line running thence east to the center of Oregon street, and also west of a line through the middle of Oregon street, from Eighteenth street to the south line of the city, and south of Fox river, and south of the section line between sections fourteen and fifteen and twenty-two and twenty-three, township number eighteen north, of range number sixteen east, shall constitute the Sixth ward. All that portion north of the center of Washington street, and bounded on the west as follows: Commencing at the northwest corner of section thirteen, town eighteen north, range sixteen east; thence south to the center of Irving street; thence east to the center of Main street; thence south until it intersects the center of Washington street aforesaid, shall constitute the Fourth ward. All the residue of the said city shall be called the Fifth ward.

Ward boundaries, how changed.

SECTION 4. The number and boundaries of wards of the city may be changed by ordinance when the same shall be adopted by a vote of a majority of all the members of the common council; provided, said ordinance must be introduced at a regular meeting of the council in May, June or July, and before final action is taken thereon the same shall be published in the official paper of the city once in each week for four successive weeks, and when the boundaries of any wards are fixed by such ordinance the number of wards in the city and the boundaries thereof, or of any of said wards shall not be again changed for a period of six years except by adding thereto such territory as may at any time be added to the city limits, and, provided further, that the territory of the wards shall be contiguous and compact, and that no ward shall be created having a population of less than fifteen hundred.

CHAPTER II.

RIGHTS AND POWERS OF THE CORPORATION.

Rights and powers of the corporation.

SECTION 1. The people now inhabiting, and who shall hereafter inhabit the district of country

described in the preceeding chapter, shall be a corporation of the name of the "City of Oshkosh," and shall have the general powers possessed by municipal corporations at common and statute law; and in addition thereto shall possess the rights and privileges hereinafter specifically granted.

CHAPTER III.

ANNEXATION OF ADJACENT TERRITORY.

Adjacent territory, how annexed.

SECTION 1. Territory lying adjacent to the city organized under the provisions of this act may be annexed to such city in the manner hereinafter set forth.

Petition for annexation, conditions of.

SECTION 2. A majority of the electors and the owners of at least one-fifth of the taxable property, according to the last tax roll, in territory adjacent to such city, may present a petition to the common council of such city asking for annexation thereto; provided, that if no electors reside therein, such petition must be signed by the owners of at least one half of the taxable property desired to be annexed, before the common council shall have power to act thereon.

Action upon petition, when.

SECTION 3. At any regular meeting of the common council after the filing of said petition with the city clerk, an ordinance may be introduced providing for the annexation of such adjacent territory. Final action on said ordinance shall not be taken except at a regular meeting of the council, and not earlier than thirty days after the same is introduced, and in the meantime the same shall be published at least once in each week for four successive weeks in the official newspaper of said city.

Adoption of petition.

SECTION 4. A vote of three-fourths of all the members of said council in favor of said ordinance, taken by ayes and noes, and recorded, shall be necessary for its adoption.

Validity of proceedings, how called in question.

SECTION 5. The adoption of said ordinance shall operate to annex such territory to said city, and to the ward or wards designated therein. The validity of the proceedings annexing such territory shall not be called in question collaterally in any of the courts of this state, nor shall the validity of any such proceedings be called

into question in any other manner in the courts of this state, unless the action or proceedings therefor be commenced within ninety days after such ordinance is adopted.

CHAPTER IV.

OFFICERS — THEIR ELECTION, APPOINTMENT, QUALIFICATION, VACANCIES.

SECTION 1. There shall be the following city officers elected biennially by the qualified electors of the city at large: A mayor, a city clerk and a city treasurer. City officers.

SECTION 2. There shall be elected three assessors At the city election in 1891 one assessor shall be elected by and from the qualified electors of the Third and Sixth wards, who shall hold his office for the term of two years. The assessors now elected, whose terms of office do not expire in 1891, shall hold their office until the city election in 1893. At the city election in 1893 there shall be elected one assessor by and from the qualified electors of the First and Fifth wards, one assessor by and from the qualified electors of the Second and Fourth war s and one assessor by and from the qualified electors of the Third and Sixth wards, who shall each hold their office for the term of two years, and thereafter upon the expiration of the terms of said assessors there shall be elected for the term of two years an assessor from the district where the term of office of such assessor expires. In the event of a change in the ward boundaries in the city the assessors shall be elected in the same manner and from such wards as the common council shall by ordinance provide. Assessors.

SECTION 3. There shall be elected at the charter election to be held on the first Tuesday in April A. D. 1891, and every two years thereafter, by and from the qualified electors of said city, one justice of the peace, who shall be a resident of said city and who shall hold his office in the second ward of said city. And there shall be elected at the charter election to be held on the first Tuesday in April, A. D. 1893, and every two years thereafter, by and from the qualified elect- Justices of the peace.

ors of said city, one justice of the peace, who shall be a resident of the said city, and shall hold his office in the third ward of said city. Each of said justices of the peace shall hold his office for the term of two years and until his successor is duly elected and qualified.

School commissioners.

SECTION 4. There shall be elected at the annual charter election in 1891 one school commissioner from each the second, fourth and sixth wards, who shall hold his office for the term of four years, and at the charter election in 1893, there shall be elected one school commissioner from each the first, third and fifth wards who shall hold his office for the term of four years, and so alternately thereafter; said commissioners shall be elected by and from the qualified electors of the ward for which they are elected; and there shall be appointed by the mayor and confirmed by a majority of the members of the common council voting in favor of such confirmation, three school commissioners from the city at large who shall hold their office for the term of two years and the commissioners so elected and appointed shall constitute the school board of the city. The school commissioners elected for two years at the charter election of 1890, shall hold their office for the term for which they were elected and until their successors are duly elected and qualified. In the event of a change in the ward boundaries in the city the school commissioners shall be elected in the same manner and from such territory as the common council shall by ordinance provide.

Aldermen, their election and qualifications.

SECTION 5. There shall be three aldermen elected from each ward, by and from the qualified electors thereof, for their respective wards, two elected at each charter election, one for two years and one for four years. The ballot shall designate which alderman is voted for, for each of said terms. The alderman elected for two years at the charter election in 1890, shall hold his office for the term for which he was elected and until his successor is duly elected and qualified. The mayor and the aldermen so elected shall compose the common council of the city of Oshkosh.

Supervisors.

SECTION 6. Each ward of the city shall be represented in the board of supervisors of the county of Winnebago by one supervisor; such supervisor

shall be elected biennially by the electors of the wards at the same time and in the same manner as ward aldermen are elected. The mayor of the city of Oshkosh shall be *ex-officio* a member of the county board of supervisors of the county of Winnebago, and shall have and exercise the same powers and privileges in said board as other members thereof are entitled to, and shall be paid the same compensation for his services as may be paid to any other member of the board.

Board of review.

SECTION 7. The mayor, comptroller and assessors of said city of Oshkosh and two aldermen from different wards, appointed by the common council shall constitute the board of review of the city. The members of the board of review, except the comptroller, shall have the same compensation per day as the assessors. The time for which the members of the board of review shall receive compensation shall not exceed fifteen days. The mayor shall be chairman *ex-officio* of said board. The city clerk shall be secretary of said board.

Compensation of board of assessors.

SECTION 8. The members of the board of assessors shall not receive compensation for a longer time than seventy days for making the assessment of the real and personal property of said city.

Appointive officers.

SECTION 9. At the first meeting of the common council or as soon thereafter as may be, there shall be the following city officers appointed by the mayor and confirmed by a majority of all the members of the common council voting in favor of such confirmation, a comptroller, a city attorney, a chief of police and a chief of the fire department, who shall hold their offices for the term of two years. There shall be the following city officers elected by the common council at its first meeting, or as soon thereafter as may be, a president of the council, a city physician, a city surveyor, a health officer, an overseer of the poor, a constable, one or more policemen, one or more firemen and such other officers as the common council may deem necessary, who shall hold their offices for the term of two years.

Tenure of office.

SECTION 10. The term of office of all city officers shall commence upon their election or appointment and qualification, and shall hold for two and four years respectively, as herein pro-

vided, and until their respective successors are elected or appointed and qualified.

Qualifications of officers.

SECTION 11. The qualification for each officer of said city mentioned in this act shall be that he is a qualified elector of said city, and to be eligible to hold any ward office, he shall also be a resident of such ward and a freeholder in the city.

Annual municipal election, when held and where.

SECTION 12. The annual municipal election shall be held on the first Tuesday in April, 1891, and biennally thereafter at such place or places in each election precinct as the common council shall designate. The polls of such election shall be open at six o'clock A. M. and close at six o'clock P. M.; ten days' previous notice of the time and place of such election and of the officers to be elected shall be given by the city clerk by publication in the official newspaper of the city; in all other respects such election shall be conducted as is prescribed by the general laws of the state; provided, however, that the failure to give such notice shall in no way invalidate such election.

Manner of conducting elections.

SECTION 13. All elections shall be by ballot, and a plurality of votes cast shall constitute an election. When two or more candidates for an office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as such common council shall direct On the Tuesday following each and every municipal election, held under this act, the common council shall meet and canvass the returns, and declare the result, as it appears from the returns, and the city clerk shall, within three days thereafter, give notice to each person elected of his election. The common council, at their first regular meeting, or as soon thereafter as may be, shall fix the amount of salary which shall be received by every city officer entitled to a salary who is or may be elected or appointed in the city during the year, which salary shall not be increased or diminished during the term of office for which such officer may be elected or appointed; the salary shall be paid out of the city treasury monthly, at the end of each month. All salaries, the amount whereof have heretofore been fixed by the common coun-

cil, shall be and remain the salaries of such officers, until the common council shall fix the amounts thereof in accordance with the provisions of this section, and when so fixed they shall so remain until changed as herein provided.

Salaries of city officers.

SECTION 14. When any officer elected or appointed shall remove from the city, or when any officer elected or appointed in any ward of the city shall remove from said ward, or when any such officer shall refuse or neglect for ten days after official notification of his election or appointment to qualify and enter upon the discharge of the duties of his office, unless prevented by sickness or unavoidable absence, the office shall be deemed vacant; and whenever a vacancy shall occur in any office to be filled by an election by the people, the common council shall, at its next regular meeting thereafter or as soon as practicable fill such vacancy by election in the same manner as other officers are elected by said common council. And whenever a vacancy shall occur in any office to be filled by an appointment, the same proceedings shall be had to fill such vacancy as are provided for in case of an appointment in the first instance.

Vacancies.

SECTION 15. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term or until the municipal election.

Officers must qualify.

SECTION 16. Every person elected or appointed to any office, shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within ten days after notice of his election or appointment; and in case of his failure to file the same within the time indicated, the office shall be deemed vacant, unless such officer is prevented from so doing by sickness or unavoidable absence.

Official bonds, of whom required.

SECTION 17. The city treasurer, comptroller, justice of the peace, constables and such other officers as the common council may direct, shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond in such sum as the common council may determine, with two or more sureties conditioned for the faithful discharge of the duties of their respective offices, and with such

other conditions as the council may prescribe The common council may at any time requir new and additional bonds of any city officer All bonds must be filed in the office of the city clerk within ten days after the officer executing the same shall have been notified of his electio or appointment. All bonds must be approve by the common council, and when so approve and filed shall be recorded by the city clerk in a book to be kept for that purpose; such clerk shal annex to each record a certificate that the same is a true copy of the original, and such recor shall be *prima facie* evidence of the contents o such bond, and in the absence of the origina may be used as evidence in all courts of this state Justices of the peace, and constables shall als give a bond as required by statute.

Removal from office.

SECTION 18. Every officer elected or appointe to any office may be removed from such office by a vote of two-thirds of all the members of the common council; but no such officer shall be removed except for cause, nor unless written charges are preferred against him and an opportunity given him to be heard in his own defense. The common council shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof. The mayor may suspend any officer against whom charges have been preferred, until the disposition of the same. The mayor, or city clerk, upon the hearing and investigation by the council, of such charges, shall be authorized to administer the necessary oath to witnesses. Any justice of the peace of the city is authorized to issue subpœnas for witnesses to attend before said council, wherein the city shall be nominally plaintiff, and the party charged, defendant. In case of neglect or refusal of witnesses to attend and testify, the justice of the peace who issued the process of subpœna shall have the same power to issue a warrant of attachment and punish for contempt by law, as in cases of justice courts, where witnesses refuse or neglect to appear or testify.

Aldermen, tenure of office, new wards.

SECTION 19, The chief of police, any of the regular police of said city, regularly employed and paid by the city, and any alderman of said

city, when elected by the common council may become a constable in and for said city by taking the oath and giving the bond required by law for the qualification of constables, the bonds to be approved by the council, said bond and oath to be filed with the city clerk. When such person shall cease to be a policeman or alderman he shall cease to be a constable.

Council to determine location of offices.

SECTION 20. The common council shall have power to determine where the various officers provided for by this act shall hold their offices.

Supervisor for new wards.

SECTION 21. In the event of an increase in the number of wards of the city no alderman shall be elected to represent the additional wards until the next charter election. At such election a complete board of aldermen shall be elected in each ward in the city. One alderman in each ward shall be elected for the term of four years and other aldermen for the term of two years; provided, that the aldermen elected for four years at the election preceding the creation of said new wards shall serve as an alderman of the ward in which he shall then reside until the expiration of term for which he was elected.

SECTION 22. In the event of an increase in the number of wards of the the city the council shall have power to elect a supervisor to represent each additional ward until the next charter election.

First election first Tuesday in April, 1891.

SECTION 23. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, 1891, and elections thereafter shall be held biennially on the first Tuesday in April.

CHAPTER V.

OFFICERS — THEIR POWERS AND DUTIES.

Officers, their powers and duties.

Mayor.

SECTION 1. The mayor shall be the chief executive officer, the head of the police and fire departments of the city; he shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all of the officers of the city discharge their respective duties. He shall have power to direct and command the chief of police, policemen, chief of fire department and members of the fire department of the

city at all times, and may for disobedience of h orders or misconduct of any member of the poli force or fire department verbally or in writin suspend such member of the police force or fi department and stop his pay, until the commo council shall take final action on the order of su pension. He shall also have power to remove suspend any officer elected by the common cou cil, verbally or in writing, and stop his pay, su ject to the approval of the said council In suc case he shall report the fact of such suspensio and stoppage of pay to the council at the ne regular meeting thereafter. He shall annuall and from time to time, give the commo council such information and recommend suc measures as he may deem advantageous to th city. When present he shall preside at the mee ings of the common council, but shall vote i the common council only in case of a tie vot He shall sign all bonds and certificates of indeb edness, and city orders, except as in this a otherwise provided, all agreements, contract licenses and permits granted by such commo council, and approve or otherwise act upon a claims allowed by such council; he may in cas of a riot or other disturbance, appoint as man special policemen as may be necessary. He sha have and possess the veto power. Should he r fuse to approve any ordinance, rule or regulatio claim or resolution appropriating money or crea ing a debt or liability, he shall communicate h objections in writing to the common counc within five days (Sundays and legal holidays e cepted) after such ordinance, rule, regulatio claim or resolution is submitted to him for his a proval. If such ordinance or resolution shall n have been returned by the mayor within five da after he shall have received it, it shall take effe in like manner as if he had signed it. If upo the return of such veto message two-thirds of a the aldermen of the common council vote for th passage of such ordinance, rule, regulation, clai or resolution, the same shall be considered legall passed notwithstanding the objections of th mayor.

President of the council.

SECTION 2. The common council at its fir meeting or as soon thereafter as practicable sha choose from its number a president, and in th

absence of the mayor the said president shall preside at all the meetings of such common council; and during the absence or inability of the mayor to discharge the duties of his office the president shall exercise all the powers and discharge all the duties of the mayor. The president while presiding at meetings of the common council or performing the duties of the mayor, shall be styled "President of the Council," and any act peformed by him in such capacity, shall have the same force and effect as if performed by the mayor, but the president of the common council shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant, or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the common council by filing the same with the city clerk. If both mayor and president are absent from any meeting of the council, the council may elect a temporary president, and while acting in such capacity the temporary president shall have the powers and discharge the duties of mayor, and shall be styled "President *pro tem.*"

City clerk, his duties defined.

SECTION 3. The city clerk shall have the care and custody of the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, board of education, board of public parks, and cemetery board, and to keep a full record of their proceedings, to record all ordinances and bonds in a book to be kept for that purpose; to keep a record of all licenses granted, which record shall at all reasonable times, be open to inspection by the public; to carefully preserve all receipts and papers filed with him and to draw and sign all bonds and certificates of indebtedness, and orders upon the treasury in pursuance of an order or resolution of the common council except as otherwise herein provided, and shall keep a full and correct account thereof in books provided for that purpose. He shall keep a record of all cemetery deeds issued by the city in books provided for that purpose. He shall sign all contracts made in behalf of the city, and unless they be so signed they shall have no validity. He shall have and possess the powers and authority and perform such duties as clerks of cities and villages may be required to peform under the gen-

eral laws of this state. He shall keep an accurat account with the treasurer, and charge hin with all tax lists presented to him for col lection, and all sums of money paid into th treasury and credit the treasurer with all sum paid out by him. He shall be *ex officio* secre tary of the board of public works, board of pub lic parks, board of review, board of health, cem etery board and board of education. He shall re port monthly to the common council in writ ing the condition of the several funds of the city Within thirty days after the close of eacl fiscal year he shall, under the supervision of th comptroller make and cause to be published i the official paper of the city, a financial statemen showing the receipts and disbursements on accoun of each fund during the last preceding financia year. Copies of any and all books, papers, docu ments or instruments filed and kept in his offic and transcripts from the records of the proceed ings of the common council, certified by him un der the corporate seal of the city, shall be evidenc in all courts and places, in like manner and wit the same force and effect as if the original was pro duced. He shall also have power to administe oaths and affirmations authorized to be taken b and under the laws of the state, and shall perform such other duties as may be required of him by th common council. He may appoint a deputy i writing under his hand and shall file such appoint ment in his office; and such deputy clerk may ai in the performance of the duties of such clerk, un der his direction, and in case of his absence o disability, or of a vacancy in his office, may per form all the duties of such clerk during suc absence, or until such vacancy shall be filled and every such clerk and his sureties shall b liable upon his official bond for the acts of hi deputy. The salary of such deputy shall be paid by the clerk. The city clerk shall under the su pervision of the comptroller keep in a general city ledger prepared for that purpose a separate account with each and every city fund represent ing expenditures of money in each and every city department, credit such fund with all re ceipts on its account and charge the same with all expenditures on its account; and shall keep a separate account with each class of expenditures

which can be classified by themselves, so as to show the annual expenditures on account of each city department and each of its component parts, and shall make a correct and complete statement of the funds as shown by said ledger ten days preceding the end of every fiscal year and ten days preceding every municipal election, which he shall verify on oath and submit the same to the council and file a copy thereof with the comptroller and shall also make a like statement whenever requested so to do by the comptroller or common council. The salary fixed for the service of said city clerk by the common council shall cover and include the compensation of that officer for all services herein enumerated. The city clerk shall under the direction of the comptroller cause the proceedings of the common council to be published in the official paper of the city and any other paper designated by the common council.

City treasurer, his duties defined.

SECTION 4. The city treasurer shall collect all city, county and state taxes; and shall receive all moneys belonging to the city, keep an accurate account of the same in suitable books prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received and disbursed by him in such manner as the common council shall direct. He shall under the supervision of the comptroller keep an account with each and every fund represented on the general city ledger kept by the city clerk; and shall in all cases charge the amount paid out by him on any city order, to the fund, which said order shows it was made payable out of; his books shall at all reasonable times be open to inspection by any voter of the city. He shall make a sworn report to the common council each month, filing a copy thereof with the comptroller, and as much oftener as required by the comptroller or council, which report shall embrace a statement of the receipts and disbursments in his office; and ten days preceding the end of every fiscal year and ten days preceding every municipal election, he shall make out and file in the city clerk's office and with the comptroller a full and minute report verified on oath of all the moneys received and disbursed by him, and also when requested so to do by the comp-

troller or common council, of all tax certificates vouchers and other effects of pecuniary value in his possession and all other transactions of his office from the date of the like report of his predecessor to the date of the report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. He shall receive no fees or *per diem* or other compensation for his services except the salary fixed by the common council. Except as herein otherwise provided, he shall have and possess the powers and authority and perform such duties as treasurers in villages and towns are required to perform under the general laws of the state.

The comptroller, his duties defined; deputy.

SECTION 5. The comptroller shall, on or before the first day of November each year, make to the common council a detailed statement of the expenses of the city and the several wards thereof during the last fiscal year and such report shall also contain a statement of the estimated expenses of the current fiscal year as the same have been prepared by the common council, and an estimate of the probably income of the city for that year from sources other than taxation. He shall examine all estimates of public work to be done, made by the board of public works, and all contracts made by them, and shall countersign the same if they are legal, and if the necessary funds shall have been provided for the proposed work, and no such contract shall be valid until so countersigned. He shall keep a list of all improvement bonds for the payment of which special taxes are to be levied and shall make out and file with the city clerk a list of all the special taxes to be levied each year in time for its insertion in the tax roll in the form of a schedule of special taxes, and shall certify the correctness of the same; and such certified schedule shall be *prima facie* evidence of the legality and regularity of the special taxes levied in pursuance thereof. He shall examine and inspect all tax and assessment rolls and all other proceedings in reference to the levying and collection of taxes. He shall report monthly to the common council the condition of the several funds of the city, and a statement of all outstanding claims and contracts which will be payable out of each fund. All claims and

demands against the city founded on contract, shall be audited and adjusted by the comptroller, and he shall make a monthly statement to the common council of such claims so audited and adjusted by him, and no such claim shall be allowed by the common council until it shall have been so certified. He shall examine and countersign all city orders before the same shall be valid except as herein otherwise provided. He shall have power to administer oaths and take testimony as to any questions which it may be his duty to decide. He shall keep a record of all his official acts and doings which shall be open to the inspection of all parties. He may appoint a deputy for whose acts he shall be responsible, and such deputy may act for his principal during his sickness or absence. The salary of said deputy shall be paid by the comptroller. The comptroller shall on or before the first day of November in each year, file with the city clerk, a detailed statement of the expenses of the city and of the wards thereof, during the last fiscal year, and such statement shall also contain a statement of the estimated expenses of the fiscal year, as provided in the chapter of this act, entitled, "assessment and collection of taxes," and the income of the city for that year from sources other than taxation. He shall countersign all contracts made with the city, if the necessary funds shall have been provided to pay the liability that may be incurred against the city under such contract, and no such contract shall be valid until so countersigned. He shall examine all claims presented against the city, whether founded on contract or otherwise and determine as to each claim, whether the same is properly itemized and sworn to; if on contract, whether the items charged are correct, whether such claim was incurred by proper authority and generally determine the correctness of such claim. For the above purposes he shall have power to swear witnesses and take testimony. If he does not find any objections to the claim he shall mark his approval thereon; if he disapproves, or approves in part and disapproves in part, he shall report his reasons therefor, and in all cases he shall report the evidence taken by him. No claim shall be considered by the council or reported to a committee till it shall have been thus examined and

reported on by the comptroller. He shall examine each month the treasurer's accounts as reported by him and kept by such treasurer and report as to the correctness of the same and also any violation of the treasurer of his duties in the manner of keeping his account or disbursing the moneys of the city. The comptroller shall procure a claim book at the expense of the city, in which all claims against the city shall be entered as fast as the same are filed. Said claim book shall be provided with an index, and shall be in such form as to provide for the entry of the name of the claimant, number of claim, when filed, amount claimed, date of report of the comptroller, whether approved and for how much, date of allowance or disallowance by the council, amount allowed, date of the order issued to pay the same, number of such order and date of cancellation of the same. The comptroller shall also perform the duties of a member of the board of public works, such other duties as are required of him under the provisions of this act, and shall make such examinations as to the official conduct of the officers of the city not herein specifically provided for as may be from time to time required of him by the common council. The comptroller shall also countersign all certificates of indebtedness and bonds which may be issued by this city.

The city attorney, his duties defined.

SECTION 6. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested; he shall when requested, furnish written opinions upon subjects submitted to him by the mayor or common council. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each case, which shall at all reasonable hours be open to inspection by any of the officers or electors of such city. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the officers of the city; to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and col-

lection of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the city. He shall have authority to appoint an assistant who shall have power to do all acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant, and that the city shall not be liable for compensation to such assistant.

The city surveyor; his duties defined.

SECTION 7. The city surveyor shall be a practical surveyor and engineer; he shall keep his office at some convenient place within the city; the common council shall prescribe his duties and fix his fees and compensation for any service performed by him. All surveys, plans, profiles and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of all parties interested; and when required by the common council he shall file copies of plans, profiles and estimates with the city clerk, and it shall be his duty to do all engineering work required by said council or the board of public works. The city engineer shall possess the same powers to make surveys and plats within the city that are given by law to county surveyors; and like validity and effect shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of the county surveyor.

Same.

SECTION 8. The city surveyor shall keep on file in his office, a record of all of his official acts and doings; and shall also keep a copy of all plats of lots, blocks and sewers embraced within the city limits; also all profiles of streets, alleys and sewers, and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any public buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested and shall be delivered over by said engineer at the expiration of his term of office to his successor or to the board of public works. Whenever requested, the city surveyor shall make

a report of all doings of his department to the common council.

Chief engineer of fire department; his duties defined.

SECTION 9. The chief engineer of the fire department shall in all cases have control of the different fire companies of the city, their engines, steamers and fire apparatus, and also the direction and control thereof when called out upon duty subject only to the control of the mayor or common council; he shall see that the engines, steamers and apparatus of the fire department are kept in perfect order and readiness for immediate use, and cause all necessary repairs to be made when so authorized by the common council; he shall use his utmost endeavors in preventing and subduing fires and controlling the firemen thereat; he shall perform such other and further duties as are prescribed in other provisions of this act and by the ordinances of the common council.

The chief of police; his powers and duties.

SECTION 10. The chief of police shall attend all meetings of the common council and shall perform such duties as shall be prescribed by this act or by any ordinance of the city for the preservation of the peace, for the health of the city, and the collection of fines and license money; he shall possess the power of a constable at common law or by the laws of this state, and shall receive like fees and be subject to the same liabilities; it shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state of Wisconsin; he shall, under the direction of the mayor, be chief executive of the police department; he shall repair to all fires, riots and tumultuous assemblages, take charge of the police present, and use every exertion to protect property, disperse mobs, and cause to be arrested all persons engaged in disturbing the peace; to apprehend any person in the act of committing any offense against any ordinance of said city or the laws of this state, and, within a reasonable time, bring such person before competent authority for examination; he shall have the power to direct the policemen to any place where he shall deem their services necessary; he shall promptly report to the mayor

all complaints against the policemen, and cause to be obeyed all rules and regulations prescribed for the police department; and he, or some policeman appointed by him shall be the keeper of the city jail, and keep the keys thereof.

Policemen; their powers and duties.

SECTION 11. It shall be the duty generally of all policemen appointed by the common council to faithfully perform such duties as shall be prescribed by the ordinances, laws and resolutions of the common council for the preservation of the public peace and health of the city, and they shall possess all common law and statutory power of constables; they shall faithfully abide by all ordinances prescribing the manner and extent of their duties, and the time in which duties are to be performed; they shall perform the duties of night watchmen for the city, if required under such regulations as the common council shall prescribe, and shall pay all fees received by them into the city treasury.

Officers of the peace; who are.

SECTION 12. The mayor, each and every alderman, justice of the peace, chief of police, policeman and constable, shall be officers of the peace and suppress in a summary manner all riotous and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens; if any person shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars. It shall be lawful for the mayor, any alderman, chief of police, every policeman or constable of the city to arrest forthwith any person who shall be drunk, disorderly, riotous or doing any act which shall, by this act, be construed to be a misdemeanor, or by warrant, to arrest any person whom they, or any of them, shall find committing any violation of the laws or any ordinance of the city, and to take such person before a justice of the peace of the city, or if it be out of office hours, or for any other good reason, an examination can not be had, to confine such person so arrested in the city jail until such time as an examination can be had.

Fire warden; his powers and duties.

SECTION 13. The chief of the fire department shall be the fire warden of the city with power to examine as to the construction of all chimneys, fire places, hearths, stoves, stove pipes, ovens,

smoke stacks, boilers and fire apparatus used in and about any building, and shall have power to prevent the improper construction thereof; and may cause them to be removed and placed in a safe and secure condition or position; he shall prevent the depositing or keeping of ashes or any combustible material in any place except such as is safe; and he shall perform other and such further duties as may be ordered or prescribed by the common council.

Justices of the peace; their jurisdiction.

SECTION 14. The justices of the peace, elected under this act, shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of this state except that their official bond shall be approved by the common council; and in addition thereto they shall have jurisdiction in all cases arising under the ordinances and laws passed by said city, unless otherwise provided.

The city assessors; their powers and duties.

SECTION 15. The three assessors elected under this act shall constitute the board of assessors, and shall, in all things pertaining to their office so far as practicable, be governed by such laws as assessors in the several towns in this state. Within ten days after qualifying, it shall be the duty of the assessors of the several wards to organize into a board of assessors by electing one of their number chairman, who shall be authorized to administer such oaths as shall be authorized by this act and within such time as the common council shall designate the said assessors shall make out a complete and accurate assessment roll, and perform such other and furthur duties as are prescribed by this act, or shall be required by any ordinance or resolution of the common council. Any assessor who shall neglect to perform the duties of his office, or shall use any partiality in assessing the property of any individual, corporation or association, in anything pertaining to his office, shall, upon conviction, suffer and pay a penalty of not less than one hundred dollars nor more than five hundred dollars at the discretion of the court before whom conviction is had.

Aldermen not to be interested in job or contract with city.

SECTION 16. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman shall be so interested shall be null and void; and in case

any money shall have been paid upon any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the aldermen interested in the same.

SECTION 17. The common council shall, at the first regular meeting of the new council in each year or as soon thereafter as may be, order the comptroller to advertise for proposals for all the printing and publication necessary to be done by the city, except as otherwise provided herein; and said printing and publication shall be let as other contracts are let under the provisions of this act. Such printer shall be styled the city printer; provided, that said printing shall be let to the printer of some daily newspaper published in the city. When any ordinance, notice, resolution or other proceeding shall have been published, a copy of such publication, together with the affidavit of the printer or his foreman stating the length of time the same has been published, shall be filed with the city clerk, and such affidavit shall be conclusive evidence of the publication of such ordinance, notice, resolution or other proceeding and the bill for such publication shall not be audited until such affidavit is so filed. In letting the city printing the common council shall have the right to reject any and all bids. City printing.

SECTION 18. All other officers elected or appointed under and by virtue of the authority of this act, shall perform such duties as are required to be performed by like officers under the general laws of the state, and also such as are prescribed by the common council. Duties of city officers not herein enumerated.

SECTION 19. All city officers, at the termination of their office, shall immediately deliver to their successors in office, all property, money, books, papers and effects of every description in their possession belonging to the city, or pertaining to the office they may have held; any person who may have held an office neglecting or refusing so to do shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by such neglect or refusal and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state for other officers. City officers retiring to deliver books, papers, etc., to successors.

Officers in office at time of passage of this act to hold until expiration of same.

SECTION 20. Nothing herein contained shall be so construed as to change or interfere with the term of office of any officer now holding office in said city, but the term of all such officers shall continue the same as if this act had not been passed.

CHAPTER VI.

THE COMMON COUNCIL — ITS POWERS.

Council how constituted; style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Oshkosh do ordain as follows:"

Meetings of council.

SECTION 2. The common council shall hold its first meeting on the third Tuesday of April of the year in which the municipal election is held and shall thereafter hold regular meetings at such times as the council may direct. The mayor may call a special meeting by a notice to each of the members to be served personally or left at their several places of abode and shall call special meetings upon the written request of a majority of all the members of the common council, but no business shall be considered at a special meeting except such as is set forth in the call for the same. The last meeting of each council shall be held on the third Tuesday in April of the year in which the municipal election is held.

Council to determine rules of its own proceedings; quorum; open sessions, etc.

SECTION 3. The common council shall determine the rules of its own proceedings. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their session shall be open to the public; the ayes and noes may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes or for the appropriation or disbursement of money or creating any liability or charge against the city or any fund thereof, the vote shall be taken by ayes and noes, and every such vote shall be entered at length upon the journal and the affirmative vote of a majority of all the members of the council shall be necessary to adopt such ordinance or resolution. The common council shall be the judge of the election and qualifications of its own members, and may

punish its members or other persons present by fine for disorderly behavior, may compel the attendance of its members upon its meetings, and employ the police of the city for that purpose, may fine or expel any member for neglect of duty as such member or for unnecessary absence from sessions of the council. At all elections and confirmations by the city council the vote shall be taken *viva voce* and such vote shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council shall be necessary to an election or confirmation.

Council shall have management and control of city finances.

SECTION 4. The common council shall have the management and control of the finances and of all the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the city; for the benefit of the trade and the commerce of the city and health of the inhabitants thereof, for the prevention of crime, and for carrying into effect the powers vested in said counsel as they shall deem expedient; such council shall have power to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws or regulations, and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the United States or of this state, or of the laws thereof, and for the aforesaid purposes such common council shall have authority by ordinance, resolution, by-laws or regulations:

Licenses.

1. To license, regulate or prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of the same under the ordinances of the city and the laws of the state; and may grant licenses for and regulate groceries, tavern keepers, keepers of ordinaries, saloons, victualing houses or other houses or places for

the selling or giving away of spirituous, vinous or fermented liquors; provided, that in case an application for a license is denied the council shall not have authority till after the succeeding first day of May, to grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person at the same place; provided, further, that the council may establish saloon limits by ordinance which said limits shall not be extended, except by a vote in favor of the same of three-fourths of all members of the common council; and provided, further, that no such licenses shall be granted except by a majority vote of all the members of the common council; and the person to whom such license is granted shall give a bond in such form, in such sum, and with such conditions as the common council may determine, with two or more sureties, and the same shall be approved by the common council.

Gambling.

2. To restrain, prohibit and suppress all descriptions of gambling and frudulent devices and practices.

Concerts by itinerant persons.

3. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities, and all other exhibitions and amusements.

Riots, etc.

4. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill-fame.

Removal of nuisances.

5. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers, or other unwholesome or nauseous house or place, to cleanse the same from time to time, or remove or abate the same, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Breweries, tanneries, slaughter-houses, etc.; location and management of.

6. To direct the management of and to regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city and within a distance of four miles therefrom of distilleries, slaughtering establishments, glue factories, establishments for cleaning and rendering lard, tallow, offal and such

other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

7. To direct the location and management of public markets. Public markets.

8. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food and to prescribe their duties and compensation, and to cause the seizure and destruction or other disposition, of tainted or unwholesome meat, butter, vegetables, fruit or provisions. Butcher's stalls and shops; sale of game, fresh meat, etc.

9. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials. Storing of gunpowder, etc.

10. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and outhouses. Conveying of gunpowder; candles in barns, etc.

11. To prohibit the shooting of fire-arms and crackers and the exhibition or use of any fireworks at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein or annoying to the citizens thereof. Shooting of fire arms and crackers.

12. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages carts, wagons, sleighs, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever. Encumbering of streets, alleys, etc.

13. To prohibit horse racing and immoderate driving or riding in the streets. Horse racing on streets.

14. To prohibit and punish the abuse of animals. Abuse of animals.

15. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds. Fastening of horse on streets.

16. To regulate and determine the times and places of bathing and swimming in canals, rivers, harbors or other waters in and adjoining the city, Bathing and swimming.

and to prevent any obscene or indecent exposu
or conduct.

Vagrants, street beggars, etc.

17. To restrain and punish vagrants, mendicant
street beggars and prostitutes; and to restrai
drunkards, immoderate drinking, obscenity in th
streets or public places, and to provide for arres
ing, removing and punishing any person or pe
sons who may be guilty of the same.

Running at large of dogs.

18. To prohibit the running at large of dog
and to authorize the destruction of the same in
summary manner when at large contrary to th
ordinances.

Licensing of dogs.

19. To provide for licensing the keeping o
dogs at a rate of not less than one dollar nor mor
than ten dollars a year for each dog; and to pro
vide for a badge or token to be carried by eac
licensed dog; and for the secure muzzling of suc
licensed dogs.

License of hackmen.

20. To license and regulate hackmen, draymen
cartmen, porters, omnibus drivers, cabmen an
carmen, whether in the permanent employmen
of any corporation or otherwise who may pursu
like occupation with or without vehicles, and t
prescribe their compensation and to establish an
change from time to time stands for hacks an
other public vehicles.

Riding of bicycles, etc.

21. To prohibit and regulate the riding of bi
cycles and tricycles, rolling of hoops, flying o
kites, playing of ball and other amusements o
practices having a tendency to annoy person
passing in the streets or on the sidewalk, or t
frighten teams or horses.

Landing of person afflicted with contagious diseases from boats and vessels.

22. To regulate, control and prohibit the land
ing of persons from boats or vessels wherein ar
contagious or infectious diseases or disorders, an
to make such disposition of any such person as t
preserve the health of the inhabitants of said city
and also to make regulations to prevent the intro
duction of contagious diseases into the city, or th
spread of the same therein; to make quarantin
laws or regulations, and to enforce the same with
in the city, and not to exceed five miles beyon
the city limits.

Hospitals.

23. To establish hospitals, and to provide fo
their regulation and support.

Preservation of health.

24. To do all acts and make all regulation
which may be necessary or expedient for th

preservation of health and the suppression of disease.

25. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemeteries within or without the city limits, and to exercise jurisdiction and control thereof; and to direct the returning and keeping of bills of mortality; and to impose penalties on physicians, sextons and others for any default in the premises. Burial of dead; registration of births, deaths, etc.

26. To regulate and restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinances. Running at large of cattle, etc.

27. To regulate the holding of public auctions. Public auctions.

28. To prescribe and regulate the construction of sewers within the city. Sewers.

29. To locate, purchase sites and let contracts for the erection and construction of public buildings. To acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks, and any other public purposes, and to sell, dispose of and convey the same. Public buildings.

30. To lay out, make, open and keep in repair, alter or discontinue any highways, streets, lanes or alleys, and to keep them free from incumbrances, obstructions and encroachments, and to protect them from injury. Opening and repairing of streets, alleys, etc.

31. To establish and alter the grade of streets and to regulate the manner of using the streets and pavements in said city and to protect the same from injury by vehicles used thereon. Grade of streets.

32. To name or change the name of any street. Naming of streets.

33. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, purchase and maintenance and operation of water works for the supply of water to the inhabitants of the city, and to supply such city with water for fire protection and other purposes; and to secure the erection of water-works, said city may by contract or ordinance, grant to any person, persons, company or corporation, the full right and privilege Public pounds, water works, etc.

to build and own such water works, and to maintain, operate and regulate the same; and in doing so, to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines, and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also, by contract or ordinance, provide for supplying from such water works, the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance.

Lighting streets, buildings, etc.

34. To provide for lighting the streets, public grounds and buildings with gas, electricity or otherwise; and for such purpose to contract by ordinance or otherwise, with any person, persons, company or corporation, for a term not exceeding ten years at any one time, at such price, on such terms, and subject to such limitations as may be prescribed by such ordinance or contract.

Boards of health.

35. To establish and regulate boards of health.

Abatement and removal of nuisances.

36. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise.

Same, continued.

37. To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass, or other unwholesome substance, and to require the removal or destruction thereof by any person who shall have upon or near his premises any such substance, or any putrid or unsound beef, pork, fish, or hides, and, on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Ringing of bells and other noises.

38 To prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the street or sidewalks,

by auctioneers or others, for the purpose of business, amusement or otherwise.

39. To regulate or prohibit the use of steam whistles within the limits of the city. Steam whistles.

40. To provide for sprinkling the streets at the cost of the city or of the lots or part of lots fronting thereon. Sprinkling of streets.

41. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and on their default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupants. Removal of snow, ice, etc., from sidewalks.

42. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal or vehicle on the sidewalks in said city or in any way doing damage to such sidewalks. Riding or driving horses, cattle, etc., on sidewalks.

43. To regulate the sale of bread within the city and prescribe the size and weight of bread in the loaf, and the quality of the same, and to provide for the seizure and forfeiture of bread baked contrary to such regulations. Sale of bread, and regulate size and weight of same.

44. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state. Weights and measures.

45. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the sale and cutting of ice, and to restrain the sale of such ice as is impure; to regulate the measuring and sale of wood, and the weighing and sale of coal and lime, and the places and manner thereof. Weighing and sale of hay; cutting of ice, etc.

46. To license and regulate auctioneers, distillers, brewers and pawn brokers and keepers or proprietors of junk shops and places for the sale and purchase of second hand goods, wares and merchandise. License of auctioneers, distillers, etc.

Licensing of hawkers, peddlers, etc.

47. To license, regulate, and restrain hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts, and other gift enterprises; to fix and regulate the amount for licenses under this subdivision, to prescribe the time for which such licenses shall be granted, to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license; and to regulate the manner in which they shall be carried on; provided, that no such license shall be granted for a less term than three months, nor for a longer term than one year.

Lumber yards and the piling of lumber.

48. To regulate or prohibit the keeping of any lumber yard and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Stationary steam engines and boilers.

49. To provide for the inspection and regulation of stationary steam engines and boilers.

Inspectors and gaugers.

50. To provide for the appointment of inspectors, weighers and gaugers, and regulate their duties and to prescribe their fees.

Regulation of use of locomotive engines.

51. To regulate the use of railway locomotive engines, and to regulate and prohibit the use of locomotive or traction engines other than railway locomotive engines within the city; to direct and control the location of railroad tracks in the streets, to regulate the speed of railway trains within the city and to require railway companies to construct and maintain at their own expense, such bridges, viaducts, tunnels, gates, barriers or other conveniences at public railroad crossings as the common council may deem necessary; also to regulate the running of street railway cars, the laying down of tracks for the same, the transportation of passengers thereon and the kind of rail to be used.

Watchmen and policemen.

52. To provide for the appointment of watchmen and policemen, and to regulate the police and to prescribe their duties.

Numbering of buildings.

53. To compel the owners and occupants of all houses, stores and other buildings to number the

same, in such manner as the common council may from time to time prescribe.

54. To declare the weed commonly called the Canada thistle, and other noxious plants and weeds in the city a public nuisance and provide for the abatement of the same, as the city is authorized by law to abate other nuisances.

Canada thistle and other noxious weeds.

55. To direct and regulate the planting, preserving or removal of ornamental trees in the streets and public grounds, and to provide for the protection of the parks and public fountains.

Ornamental trees.

56. Exclusively to erect and construct, or to permit, cause or procure to be erected and constructed, float, pivot or draw bridges over the navigable or other waters within the jurisdiction of the city, and keep the same in repair and regulate the use thereof; said bridges to have draws of suitable width when necessary for the purposes of navigation.

Float, pivot or draw bridges.

57. To provide for the preservation of any harbor within or of the city; to prevent any use of the same, or of such part of any lake, river, stream, spring, or pond as is within the city, or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the water of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same, to prohibit and punish the casting or deposition therein of any earth, dead animals, ashes or other substance, or filth, logs or floating matter; to prohibit and remove all obstruction therein, and punish the authors thereof; to regulate and prescribe the mode and speed of vessels entering and leaving the harbor, of passing the bridges and of coming to and departing from the wharves and streets of the city by steamboats, canal boats and other crafts and vessels; and the disposition of the sails, yards, anchors and appurtenances thereto, while entering, leaving or abiding in the harbor, and to regulate and prescribe, by such ordinances, or through their harbor master or other authorized officer, such location of every canal boat, steamboat or other craft afloat and such changes of situation in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such vessels, boats, crafts and floats;

Preservation and control of harbors within the city.

and to impose penalties, together with such expenses as may be incurred by the city in inforcing this section, upon the steamboats, canal boats, or other vessels, craft or float.

Dock lines, piers; price of pierage and wharfage.

58. To establish dock lines, regulate the construction of piers and wharves extending into any lake or navigable waters; and to prescribe and control the prices to be charged for pierage and wharfage thereon; and to regulate, prescribe and control the prices to be charged for dockage and storage within the city.

Leasing of wharfing privileges.

59. To lease the wharfing privileges of the rivers and navigable waters at the ends of streets, upon such terms and conditions as may be reserved in the leasing of other real estate, reserving such rent as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such case as are given by law in other cases; but no building shall be erected thereon. The owner or owners of the adjoining lot or lots shall in all cases have preference in leasing such property, and a free passage over the same for all persons, with their baggage, shall be reserved in such lease.

Care of destitute children.

60. To authorize the taking up and to provide for the safe keeping and education, for such periods of times as may be deemed expedient, of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness and vice.

Vagrants, beggers, tramps, etc.

61. To authorize the arrest, fine and imprisonment of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering, or rambling about or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming house, house of fortune telling, or place of cock fighting, and all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses or who shall disturb any place where public or private schools are held

either on week day or Sabbath, or places where religious worship is held.

62. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons. Carrying of concealed weapons.

63. To control and regulate the construction of buildings, chimneys and smoke stacks; and to prohibit the erection or making of an insecure or unsafe building, stack, wall or chimney, in the city, and to declare them to be nuisances, and to provide for their summary abatement. Control and regulation of construction of buildings, chimneys, etc.

64. To regulate or prohibit the use of any hall, theater, opera-house, church, school house or building of any kind whatsoever to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm. Regulation of use of opera houses, theaters, churches, etc.

65. To improve such portions of any lake or river as is within the city and to establish the shore lines thereof so far as existing shores are marsh. Improvement of lake or river.

66. The common council shall also have power to impose a tax, or license in such sums as it may deem proper, upon all sales of goods, wares and merchandise, within the limits of the city; and further, it may tax, license and regulate assignee's sales, fire sales and any and all such sales of goods, wares and merchandise of any kind as may be conducted by transient firms or non-residents of the city. License of dealers in goods, wares, and merchandise.

67. The common council shall have no power to permit the running at large upon the streets or public grounds of the city, of any cattle, horses, mules, asses, hogs, sheep, goats, geese, or poultry. Not to permit the running at large of cattle, horses, etc.

68. Laws, ordinances, regulations and by-laws, shall be adopted by an affirmative vote of a majority of all the members of the common council, and shall within fifteen days after their passage, be published in the official paper or papers of said city before the same shall be in force. Adoption of ordinances, laws, regulations, etc.

69. To direct the summary removal of trees, signs, poles, posts, fences or any other encumbrance from the streets, alleys and sidewalks of the city, and to define and declare what shall be deemed an encumbrance. Removal of encumbrances from streets and alleys.

Abatement and removal of nuisances.

70. To abate and remove all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or any other parts of said city or within its jurisdiction by indictment or otherwise. The powers conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, proceedings or prosecutions in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses and places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Filling up and digging down of lots.

71. To direct the digging down and filling up of lots, whenever the same may be deemed necessary to prevent injury to the streets, side or crosswalks, or to the adjoining property, at the expense of the owners thereof, and to prevent, prohibit and cause the removal of all obstructions and incumbrances in and upon all wharves, streets, lanes, alleys, sewers, gutters, ditches, streams and public grounds in said city.

Stringing or laying of wires.

72. To direct and compel the placing of all telegraph, telephone, electric light or other wires within the city upon one line of poles, and to direct and compel the laying of all such wires under ground.

May compel prisoners to work out fines on streets, etc.

73. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the violation of any city ordinance for drunkenness, or for being an inmate or frequenter of a house of ill-fame, or for disorderly conduct, and shall neglect or omit to pay any fine or costs imposed therefor, that such person or persons shall work out such fine and costs upon the public streets of said city, or shall do any other work that said city may have or

wish to be done, and the compensation therefor, to be fixed by the council, shall be deducted from such fine and costs thereon, and the council may pass the necessary ordinance to carry out the provisions of this section.

SECTION 5. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city after the same shall have been audited by the comptroller. Adjustment and examination of accounts of city officers.

SECTION 6. The corporate authority of the city shall be vested in the mayor and common council. Corporate authority, where vested.

SECTION 7. The common council may provide for the printing of its proceedings in a newspaper published in the city in the German language. Printing of proceedings may be in German paper.

CHAPTER VII.

FINANCE AND EXPENDITURES.

SECTION 1. The fiscal year shall commence on the first day of October in each year and close on the thirtieth day of September next succeeding. Fiscal year.

SECTION 2. All funds in the city treasury except school funds, funds created and set apart for the payment of interest and principal of the debt of the city and for park purposes, and funds collected on special assessments shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly countersigned by the comptroller and authorized by a vote of the common council. All orders drawn upon the treasurer shall specify the purpose for which they were drawn and shall be payable out of any funds in the city treasury not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof. No city order shall be delivered except to the person in whose favor it shall be drawn or upon the written order of such person. What funds under control of council; how drawn out.

SECTION 3. The city treasurer shall not pay out of the funds in his hands which shall be appropriated by law or by resolution of the common council for any special purpose except for the City treasurer to pay funds out only for purposes for which appropriated.

purpose for which such funds are specially appropriated.

When the ayes and noes required to be called on resolution, law, etc.

SECTION 4. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer unless the same shall have been authorized by a vote of a majority of all the members of the common council on a call of the ayes and noes, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Orders to be issued only when funds in treasury to pay them.

SECTION 5. The common council shall not authorize the issue of orders on the city treasurer unless the money to pay the same is in the hands of the treasurer to the credit of the funds upon which the orders are drawn.

Treasurers' monthly statement to comptroller to be delivered to city clerk and then to council.

SECTION 6. The treasurer shall, on the first day of each month, deliver to the comptroller a statement showing the condition of the treasury and amount in each fund at the close of the preceding month, and a statement of all disbursements since the last report. The comptroller shall examine said report and vouchers for the disbursements referred to and shall attach thereto a report of his examination thereof and file the same with the city clerk. The city clerk shall place the same before the common council for its consideration at its next meeting. When said report shall have been approved the city clerk shall preserve the same with the vouchers referred to therein in his office.

Council may borrow money when.

SECTION 7. The common council may borrow money to pay the ordinary expenses of the city to such an amount not exceeding in any one year one *per cent.* of the total assessed valuation of the city as in the opinion of the common council the interest or safety of the city may require. Certificates of indebtness may be issued therefor, signed by the mayor and clerk, and countersigned by the comptroller, bearing interest not exceeding the legal rate *per annum.* and payable not later than the first day of March after the same are issued; provided, however, that no such loan shall be made unless authorized by a vote on call of the ayes and noes of at least a majority of all the members of the common council at a regular meeting thereof.

Designation of city depositories.

SECTION 8. The city council may designate by resolution the bank or banks where the money

belonging to the city shall be deposited. The security to be given by such bank or banks shall be approved by the common council, and when the money is so deposited the treasurer and his bondsmen shall not be liable for the loss of such money by reason of the failure of such bank or banks.

Interest on deposits.

SECTION 9. The common council may contract with a bank receiving the city deposits for the payment of interest thereon.

Deposit of funds in treasurer's hands.

SECTION 10. The council may so provide that all the moneys in the hands of the treasurer at the end of each month, not exceeding the sum to be specified, shall be deposited in the bank or banks selected for that purpose in a special account, and no money shall be drawn from said account except on a check or order signed by the treasurer and countersigned by the comptroller. Whenever any balance in the general account falls below such specified sum the comptroller shall have authority to countersign a check for a sufficient amount to increase the balance in such general account to such specified sum. No change in this regard shall be made in any year after the treasurer shall have filed his bond which will increase the liability of his bondsmen.

Temporary loans, how paid.

SECTION 11. All temporary loans shall be paid out of the taxes levied for the ensuing year unless sooner provided for.

Bonds may be issued. Must be issued upon a vote of two-thirds of all members of council.

SECTION 12. The common council shall have authority to issue bonds for the following purposes only:

First. Building school houses.

Second. Building bridges.

Third. Building public buildings for the use of the city.

Fourth. Purchase of apparatus for fire protection.

Fifth. Construction of main sewers.

Sixth. Purchase or construction of water works.

Seventh. Purchase of public parks and their improvement.

Eighth. Purchase and operation of electric light or gas plant.

Provided, that no such bond shall be issued unless authorized by ordinance or resolution adopted by a vote in favor of the same by at least two-

thirds of all the members of the common council. Said vote to be taken at a regular meeting not less than one week after the proposed ordinance or resolution shall have been published in the official paper of the city; and, provided further, that no such bond shall be issued so that the amount thereof, together with all the other indebtedness of the city shall exceed five *per cent.* of the assessed valuation of the city at the assessment preceding the issue of said bonds; and, provided further, that all such bonds issued shall be payable at the pleasure of the city after five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six *per cent. per annum*, payable annually. Provided, further, that when such bonds are issued the ordinance or resolution authorizing the same shall contain a provision for the levying of an annual tax sufficient for the payment of the interest on said bonds and the principal thereof when the same shall become due. Provided further, that all such bonds issued shall be signed by the mayor and clerk, and countersigned by the comptroller.

Limit of annual expenditure in any ward for lighting, repairing of streets, etc.

SECTION 13. There shall not be expended by the city in any one ward in any one year an amount in excess of one *per cent.* upon the total assessed valuation of said ward as shown by the assessment roll of the preceding year for the purpose of street lighting, opening, paving, cleaning, maintenance, construction and repair of streets, and the construction, repair and maintenance of sewers and crosswalks, unless such additional expenditure be authorized by resolution adopted by a vote of at least three-fourths of all the members of the common council at a regular meeting thereof on a call of the ayes and noes.

CHAPTER VIII.

ASSESSMENT AND COLLECTION OF TAXES.

All property subject to taxation; limit of assessment.

SECTION 1. All property in the city, subject to taxation under the laws of this state, shall be subject to taxation for all purposes, authorized by this act. Provided, that the taxation for all city purposes shall not exceed three *per cent.* of the

assessed valuation of the city at the assessment preceding the levying of such tax.

SECTION 2. The assessors elected under this act shall within the time and in the manner prescribed by law for making the assessment of property for taxation under the revised statutes of this state, make an accurate assessment of all property in the city subject to taxation. Provided, that the assessment roll for the entire city or the roll for each ward of the city shall be made as the council may direct. Assessment of taxes.

SECTION 3. When the assessment roll or rolls shall have been completed and inspected by the comptroller, the same shall be delivered to the city clerk, who shall thereupon give notice by publication in the official newspaper of the city for ten days, that on a certain day or days therein named said assessment roll or rolls will be open for examination by the taxable inhabitants; which said notice may assign a day or days certain for each ward where there are separate assessment rolls for such wards, for the inspection of such assessment rolls. On such examination the assessors may make such changes as may be necessary to perfect the assessment roll or rolls, and after the corrections are made the said roll or rolls shall be inspected by the comptroller and shall be submitted by the city clerk to the board of review. Assessment rolls to be delivered to city clerk.

SECTION 4. The mayor, comptroller and two aldermen as herein before provided and the assessors shall constitute such board; provided, that the common council may by ordinance provide for an increase of the membership of said board, by adding thereto not exceeding four members of the common council. Board of review, how composed.

SECTION 5. The board of review shall meet on the first Monday of July of each year, and proceed as such board as prescribed by the laws of this state. Meetings of board.

SECTION 6. When the roll or rolls shall have been examined and completed by the board of review and inspected by the comptroller the assessors shall deliver the same as completed and verified as required by the statutes of this state, together with all statements of valuation to the city clerk who shall preserve the same in his office. Delivering of assessment rolls to city clerk.

Heads of departments to certify to city clerk estimates of money necessary to carry on affairs of department for ensuing year; action of council thereon.

SECTION 7. On or before the first day of November, in each year, the board of public works, board of public parks, board of cemeteries and the board of education shall each certify to the comptroller, who shall examine and certify to the city clerk, a detailed statement of the amount of money that will be required for the ensuing fiscal year in their respective departments. And the city comptroller shall likewise certify to the city clerk a statement of the amount required by the police department, fire department, the general fund, for the purpose of paying interest for the ensuing year on the public debt, and five *per cent.* of the principal thereof, and all other purposes not above enumerated. The city clerk shall place such estimates before the common council for their consideration; and the council shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized, not exceeding the limit provided by law, and in making such levy they shall take into consideration the estimated amount that will be received by the city during the fiscal year from licenses. Every resolution levying taxes shall specify the amount to be raised for each separate purpose.

Preparation of tax roll; form of warrant for collection of tax.

SECTION 8. It shall be the duty of the city clerk under the supervision of the comptroller, to make out a complete tax roll in the manner and form provided by law, and as soon as practicable after the levy shall have been made by the common council, as prescribed in the preceding section, and the certificate of the county clerk showing the amount of state and county taxes apportioned to the city shall have been received to cause the same to be extended upon such tax roll upon a uniform percentage by setting opposite the description of each lot, tract or parcel of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the sums of taxes so levied as may be chargeable upon such lot, tract or parcel of land or against such person, and also enter and extend upon such tax roll all special assessments required to be entered therein. To such tax roll shall be appended a warrant signed by the mayor and clerk, substantially in the following form:

To ....., city treasurer of the city of Oshkosh. You are hereby required to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named, of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday of January next, the sum of ..... for state taxes, you are to retain and pay out as city treasurer, according to law, the sum of ....., and the balance of said moneys you are required to pay to said treasurer for county purposes on or before the day specified above; by which day you are further required to make return to said treasurer of this warrant, with said roll annexed, together with your doings thereon as required by law.

Dated the ..... day of .....

....., Mayor.

....., Clerk.

....

Tax roll and warrant to be prima facie evidence of correctness of assessment.

SECTION 9. The tax roll and warrant thereto attached, shall be *prima facie* evidence in all courts that the land and person therein named, were subject to taxation and to the special assessments therein entered, and that the assessment was just and equal, and the same shall be delivered to the city treasurer on or before the fifteenth day of December in each year.

Council not to remit or cancel any tax except in certain cases.

SECTION 10. After the tax roll shall have been delivered to the treasurer, as provided in the preceding section, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

First. When a clerical error has been made in the description of the property, or in the extension of the tax.

Second. When improvements on lots were considered in making the assessment roll where

the improvements did not exist at the time fixe by law for making the assessment.

Third. When the property is exempt by law from taxation.

Fourth. When a person has been assessed th same year for the same property in more tha one ward or place.

Special assessments, how carried out on tax roll.

SECTION 11. All special assessments shall b carried out on the tax roll in a seperate column o columns, opposite the lots or tract upon whic the same may be a lien, and the treasurer sha have the same authority, with reference theret as if the amount of such lien was a general ta The tax roll shall be open to the inspection of th comptroller at all times.

Publication of notice of time when tax payable.

SECTION 12. On receipt of such tax roll, th treasurer shall give one week's notice thereof i the official paper; such notice shall specify tha the taxes must be paid before the tenth day o January, following.

Collection of taxes.

SECTION 13. On the expiration of the tim specified, the treasurer shall proceed to enforc the collection of such taxes in the manner pro vided by law; provided, however, that the treas urer may issue his warrant directed to the chie of police of the city, requiring him, within a tim specified in such warrant, to collect the taxes o personal property as shall then remain unpai and the chief of police receiving such warra shall possess all the powers given by the law t town treasurers for collection of such taxes, an be subject to the liabilities of town treasurers an entitled to same fees as town treasurers in suc cases.

Chief of police to give bond for taxes collected by him.

SECTION 14. Before the treasurer shall sign hi warrant to the chief of police, as provided in th preceding section, such chief of police shall giv a bond to the city, in such sum and with suc sureties as the council may prescribe for the pay ment to the city treasurer of all taxes by him co lected or received by virtue of such warrant.

When chief of police to return warrant.

SECTION 15. Within the time required by th statutes of this state in the case of town treasu ers for the return to the county treasurers of th delinquent taxes on personal and real propert the said chief of police shall return his warra for the collection of taxes of personal property t the treasurer.

SECTION 16. Out of the taxes collected the treasurer shall first pay the state tax to the county treasurer and shall then set aside all sums of money levied for school taxes, then moneys levied for the payment of judgments, then all sums raised as special taxes in the order in which they are levied, then taxes for the payment of principal and interest on the public debt, then taxes for bridge purposes, then for fire, park and cemetery purposes, then for streets, then other public improvements, and lastly county taxes. Delinquent returns shall be made to the county treasurer, the same in all respects as required by the general laws of this state, and thereafter such proceedings shall be had with reference to the delinquent taxes so returned to the county treasurer as are provided for in case of delinquent returns from towns.

Taxes collected, how distributed.

SECTION 17. The city treasurer shall be entitled to receive and collect as fees for the collection of taxes, in case of distress and sale made by him of goods or chattels for the payment of taxes such fees as are allowed to constables for similar services. The city treasurer shall keep in a book to be provided for that purpose true accounts of all fees by him received as city treasurer, from any source, and such book shall be kept open for inspection at all reasonable times, and such treasurer shall have on file and make return to the common council, duly certified on oath of all fees or other moneys received and paid out by him as treasurer, and shall receive no further compensation for his services as treasurer than as hereinbefore specified; provided, however, that where the treasurer receives a salary, the fees collected shall belong to and be paid into the city treasury.

Fees of city treasurer.

SECTION 18. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax, shall vitiate or in anywise affect the validity of such tax or assessment.

Directions herein given not mandatory. Errors disregarded, if they do not go to the justice of the tax.

CHAPTER IX.

ALLOWANCE OF CLAIMS.

Claims, how verified, filed and allowed.

SECTION 1. All claims and demands agains the city except for salaries shall be itemize verified by oath of the claimant or some one i his behalf, and filed with the city clerk, wh shall endorse thereon the name of claiman amount and nature of claim, date of filing an proper number of claim and within one wee deliver the same to the comptroller for examin tion, who shall examine such claims presente against the city and so delivered to him, wheth founded on contract or otherwise, and determin as to each claim whether the same is properly iten ized and sworn to, or if on contract, whether th items charged are correct, whether such claim wa incurred by proper authority, and generally dete mine the correctness of such claim. For the abov purposes he shall have power to swear witnesse and take testimony. If he does not find any obje tion to the claim, he shall mark his approval ther on; if he disapproves, or approves in part and disa proves in part, he shall report his reasons therefo and in all cases he shall report the evidence take by him. No claim shall be considered by th council or reported to a committee till it shall hav been examined and reported on by the comptro ler. The comptroller shall so examine said clain and demands and return the same to the cit clerk within two weeks after he shall have r ceived them with his report thereon in writin The city clerk shall thereupon place such clain or demands before the proper board or commo council, as shown by the nature of the claim, the next meeting of such board or common cou cil for allowance; if a claim arising on account the public parks, before the board of public park if a claim arising on account of the schools, oth than the erection and repair of school buildin and maintenance of school grounds, before t board of education; and all other claims befo the common council.

Allowance of claims; orders for payment of same, how drawn.

SECTION 2. When a claim is allowed by t common council or either of the said boards, t city clerk shall so endorse it, specifying the da

of allowance, amount allowed at, and fund allowed out of. Within one day after each meeting of the common council or either of said boards, the city clerk shall place all claims allowed at such meeting, before the comptroller for his inspection. The comptroller shall thereupon and within two days prepare a statement of all claims so allowed and placed before him showing number of claim, name of claimant, nature of claim, amount allowed at, fund allowed out of and date of allowance; shall verify the same on oath and present it to the city clerk with the claims. The comptroller shall keep a copy of said statement but the original together with the claims shall be kept on file in the office of the city clerk. On receiving said statement from the comptroller the city clerk shall immediately make out a city order for amount of each claim, as shown thereon, and sign the same. Each order shall show the purpose for which it was drawn and the fund it shall be chargeable to by the city treasurer when paid. The city clerk shall then immediately place the orders so made out by him before the comptroller, who shall immediately compare them with his records and countersign the same if found to be correct and return them to the city clerk.

Pay roll of city, how made up.

SECTION 3. The superintendent of schools, the park superintendent, the president of the board of public works, the cemetery superintendent, the chief of police, the chief of the fire department and the head of each other department now existing or that may hereafter be created, shall on the first day of each month certify to the city comptroller on oath a statement containing the names of all persons in his department entitled to monthly salaries from the city, and the sum to which each person is entitled. The comptroller shall examine all claims for salaries so certified to him, and if he approves thereof he shall endorse his approval thereon; if he disapproves in whole or in part he shall endorse thereon the reason for such disapproval. In all cases the comptroller shall file such statements with the city clerk, retaining a copy thereof. The city clerk shall thereupon draw orders for such amounts contained in said statements as are approved by the comptroller, and submit such orders to the comptroller for his examination. The comptrol-

ler shall compare such orders with his records, and if he finds them correct he shall countersign them and return them to the city clerk.

City orders to be issued on verified state ment of comptroller.

SECTION 4. The city clerk shall make out no city order except upon the presentation to him of a verified statement of the comptroller in due form as hereinbefore provided, authorizing the issuance of an order, unless ordered so to do by a written resolution adopted by a majority of all the members of the common council on a call of the ayes and noes.

Appeal to council from disallowance of claim by comptroller.

SECTION 5. Whenever any claim shall have been disallowed in whole or in part by the comptroller, the claimant may appeal from such action of the comptroller to the common council.

Appeal from action of council disallowing claim.

SECTION 6. When the common council shall have taken final action upon any claim or demand and shall have disallowed any portion thereof, the claimant may appeal from such action in the manner provided in this act.

CHAPTER X.

BOARD OF PUBLIC WORK.

Board of public works, how composed.

SECTION 1. There shall be a department known as the board of public works, to consist of the city comptroller and two commissioners. One of the members of said board shall be a resident of that portion of the city north of Fox river east of Main street; one shall be a resident of that portion of the city north of Fox river west of Main street; and one shall be a resident of that portion of the city south and west of Fox river.

Appointment of commissioners.

SECTION 2 At the first meeting of the common council or as soon thereafter as may be, said commissioners shall be appointed by the mayor, subject to confirmation by the common council as other officers are confirmed. Said commissioners shall be appointed for the term of two years. The mayor shall designate one of said commissioners who shall act as and be styled president of the board of public works.

Duties of president of board.

SECTION 3. The president of the board shall, in addition to his other duties acting under the authority and with the advice and consent of the board, personally direct, supervise and have charge

of all public work, and the other members of the board shall assist him in such duty when necessity requires it.

SECTION 4. The president of the board shall receive an annual salary and the other commissioner a *per diem* salary for the time actually devoted to the discharge of his duties as commissioner, each to be fixed by the council at the time other salaries are fixed under this act, but the comptroller shall receive no additional salary by reason of his being a member of the board.

Salaries of members of board.

SECTION 5. The common council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this act, for the government of the board of public works and the manner in which the business of said board shall be conducted.

Council may make rules for government of board.

SECTION 6. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings which shall be open at all reasonable times to the inspection of any elector of the city. They shall make a report to the council on or before the first day of March in each year, and oftener if required.

Records to be kept. Reports.

SECTION 7. It shall be the duty of the board, under the direction of the common council, to superintend all public works; and to keep the streets, alleys, sewers and public works and places in repair, except as otherwise provided in this act.

To superintend all public works.

SECTION 8. All repairs and alterations of school buildings and premises shall be under the charge of the board of public works; but such repairs or alterations, except ordinary repairs costing not more than fifty dollars, shall first be directed to be made by the common council.

Repairs and alterations of school buildings to be under charge of board of public works.

SECTION 9. No building shall be moved through the streets or obstructions be placed therein without a written permit therefor granted by the board of public works; said board shall have power to determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles and wires. Provided, however, that the decision of said board in this regard may be appealed from to the council.

Permit to move building through streets.

Street, alley or sidewalk to be restored to its former condition by person making improvements.

SECTION 10. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley, or sidewalk, excavated altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual.

Public works to be let by contract.

SECTION 11. All public works, the estimated cost of which shall exceed two hundred dollars shall be let by contract to the lowest reliable and responsible bidder, and all other public works shall be let as the common council may direct. When the work is directed to be let to the lowest reliable and responsible bidder, or when such work is required to be so let under the provisions of this section, the board of public works shall advertise for proposals by publishing a notice in the official newspaper of the city, at least once in each week for at least two successive weeks. Before such proposals are advertised for, a profile of the work to be done, together with the specifications therefor and a form of contract with sureties, as the same will be required to be executed by bidders, shall be prepared, and a copy of the same placed on file in the office of the city clerk for the inspection of bidders. No bid shall be received when not accompanied by a contract with sureties, executed on the part of the bidders, which sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract, in property situated within the state of Wisconsin, not by law exempt from execution.

Advertisements for bids, etc.

Recommendations of board on bids.

SECTION 12. Whenever any bidder shall be in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which he bids, the board shall report to the common council of the city a schedule of all the bids for such work, together with the recommendation to accept the bid of the lowest reliable and responsible bidder for such work, with their reasons for such recommendation; and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such competent and reliable bidder, or to re-advertise the same, and the failure to let such contract to the lowest bidder in compliance with this pro-

vision, shall not invalidate such contract or any special assessment made to pay the liability incurred under such contract.

SECTION 13. All contractors doing any work which shall in any manner obstruct the streets or sidewalks, shall put up and maintain barriers and lights to prevent accidents, and shall be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability; and shall also contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from any carelessness of such contractor in the prosecution of said work.

Barriers and lights to be placed by contractor at places where work is being done.

SECTION 14. All contracts shall be signed by the mayor and clerk unless otherwise provided by resolution or ordinance. Provided, however, that no contract shall be executed on the part of the city until the city comptroller shall have countersigned the same and make an endorsement thereon showing that sufficient funds are in the city treasury, or that provisions have been made to pay the liability that will accrue under such contract.

Contracts how executed.

SECTION 15. All contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties.

Board of public works may take charge of work when contractor fails to complete same within contract time.

SECTION 16. All work contracted to be done for the city when finished shall be accepted by the board of public works before final payment shall be made to the contractor or contractors. The contract may provide for the payment of not more than eighty *per cent.* of the cost of the work, upon estimates of the city surveyor or other authorized persons, as the work proceeds, but at least twenty *per cent.* of the cost of the work shall be retained until the work shall have been completed and accepted by the board of public works.

Acceptance of work by board of public works.

SECTION 17. At the expiration of fifteen years after the passage and publication of this act the common council may by ordinance provide for a board of public works constituted otherwise than as provided in this act. Provided, that such board

After fifteen years council may provide for board constituted otherwise than as provided herein.

shall in no case consist of more than three members, neither of whom shall be a member of the common council.

CHAPTER XI

SCHOOLS.

Board of education how constituted.

SECTION 1. The board of education shall consist of one commissioner from each ward and three commissioners from the city at large as hereinbefore provided. Each commissioner shall receive a salary of one dollar *per annum*, and shall hold his office for the term designated and until his successor shall have been elected or appointed and qualified. After that all commissioners elected by the people shall hold their offices for the term of four years, and until their successors shall have been elected or appointed and qualified

Meetings of board; duties of officers.

SECTION 2 The first meeting of the board each year shall be held on the first Monday in May, or as soon thereafter as may be. At its first meeting each year the board shall elect one of its members president and another vice-president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and he shall perform such other duties as the board shall, by rule, by-law or resolution, from time to time require of him. It shall be the duty of the vice president to discharge the duties of the president in his absence.

Superintendent of schools to be elected by board.

SECTION 3. The board shall in like manner, annually at its first meeting, or as soon thereafter as may be, elect a superintendent of schools for the city who shall not be a member of the board. The officers elected by the board shall hold their respective offices for one year and until their successors shall have been elected, unless sooner removed by a resolution adopted by the board by a vote of two-thirds of its members. The city clerk shall be *ex-officio* secretary of the board. The board shall keep a correct record of its proceedings, which shall be open to inspection by the public at all proper times.

Powers of board of education.

SECTION 4. The board of education shall have authority:

1. To establish and organize such high schools and so many district schools and branches of the same, primary schools, night schools, schools of manual training and kindergartens as they may deem expedient.

2. To establish and change, from time to time, such and so many school districts as shall include all the territory of the city; and to afford to the people of the city such district school facilities as the circumstances of the city and its various parts may from time to time require.

3. To purchase and preserve such school apparatus as may from time to time be required.

4. To grade the schools and prescribe the course of study to be pursued therein, and to prescribe the text books to be used; provided, that such text books shall not be changed oftener than once in three years.

5. To employ teachers of all grades and fix their salaries.

6. To prescribe rules of order for the regulation of their own meetings and deliberations, alter and repeal the same from time to time as they may see proper.

7. To appoint all necessary standing and special committees.

8. To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

9. To prescribe the duties of the superintendent of schools not inconsistent with the provisions of this act and to fix his salary.

10. To contract for and purchase all necessary fuel for the schools and school offices, and to provide for lighting the same, and to appoint janitors for the school buildings and school offices, and to fix their salaries.

11. To estimate the expenses of the public schools of the city as hereinafter provided.

12. To exercise all powers necessarily incident to the powers herein conferred, except as herein otherwise provided.

Meetings.

SECTION 5. It shall be the duty of the board of education to hold meetings at least once in each month at such times as the board shall from time to time prescribe, and special meetings of the board may be held under such rules and regulations as such board may prescribe.

Board of public works to erect and keep in repair school buildings, etc.

SECTION 6. It shall be the duty of the board of public works, under the direction of the common council to erect and keep in repair all school buildings and school grounds and to provide suitable offices for the board of education, and the city superintendent of schools. In the absence of permanent school buildings, or proper offices for the transaction of school business, the common council may authorize the board of public works to procure suitable rooms, temporarily, for schools or offices, or either, provided, that no school building or addition thereto shall be constructed, or system of heating provided therefor and that no alteration or repairs therein shall be made until the plans for the same shall be adopted and approved by the board of education.

Expense of maintaining public schools; estimate to be made and filed with comptroller and city clerk; action of council thereon.

SECTION 7. The board of education shall as early as the first day of November each year, make an estimate of the expense of the public schools in the city for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by city taxation, and certify the same to the comptroller, who shall examine and certify the same to the city clerk. The city clerk shall lay the same before the common council, who shall include the same or so much thereof as they shall approve in the annual budget, to be raised by a tax called the city school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether by the state, the county, or the city, coming into his hands, in a separate fund to be called the school fund, and to pay out the same only upon the orders of the board of education, signed by the president and clerk of that board and countersigned by the comptroller.

Superintendent of schools to have control of school property, etc.; other duties.

SECTION 8. The superintendent of schools shall have the superintendence of all public schools, books and apparatus, he shall visit all schools as often as his duties will require, and pay special attention to the classification of the pupils in the several schools, and to the appointment among the classes of the prescribed studies; he shall carefully observe the teachings and discipline of all teachers employed in the public schools, and shall report to the board whenever he shall find any

teacher deficient or incompetent in the discharge of his or her duties; he shall attend all meetings of the board of education, when required, and shall keep the board constantly informed of the condition of the public schools, and changes required in the same, and shall perform such other duties, not in this act provided, as may be by resolution, required by the board.

Board of education may admit non-resident pupils to school on payment of tuition.

SECTION 9. The said board shall have power to allow children of parents not residents of the city, to attend any of the schools of said city, and to fix the amount of tuition to be paid by them, and the terms upon which they may attend such schools.

All territory in city shall be one school district.

SECTION 10. All territory within the present corporate limits of the city of Oshkosh, and all territory which may hereafter be attached to and incorporated in the limits of said city, shall constitute one school district. The commissioners of schools herein named, shall be styled "Board of education, of the city of Oshkosh," a majority of whom shall constitute a quorum.

Title to school property shall be vested in city, and property shall be exempt from levy and taxation.

SECTION 11. The title of all the school houses, sites, furniture, books and apparatus shall become and be vested in the city of Oshkosh, and the same, while used for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever.

City exempt from provisions of R. S. 1878, relating to office of county superintendents, except as to reports.

SECTION 12. The city of Oshkosh is hereby exempt from the provisions of the revised statutes in relation to the office of county superintendent of schools, except in the matter of making reports to the state superintendent.

Commissioners voting for unauthorized appropriation personally liable to city for damage sustained.

SECTION 13. In case any school commissioner shall purposely vote for any appropriation, or for the payment or expenditure of any money not authorized by law, or in case the board of education shall authorize any expenditure for any purpose not authorized in this act, the school commissioner, or any of them, voting for any such expenditure or appropriation, or for the contracting of any such debt or debts, shall be personally liable to the city of Oshkosh, or to any person or persons who may sue for the same, in an action in a court of competent jurisdiction, for any damage the city may sustain in consequence of such illegal payment, expenditure or appropriation.

CHAPTER XII.

PUBLIC PARKS.

Board of public parks how constituted.

SECTION 1. There shall be a department known as the board of public parks to consist of six commissioners, and the mayor, who shall be *ex-officio*, the president of the board.

Commissioners appointed under ordinance of February 25, 1890, to hold for term for which appointed.

SECTION 2. The commissioners appointed under and by virtue of an ordinance adopted by the common council, February 25, 1890, shall hold their respective offices for the term for which they were appointed, or until their successors have been duly appointed and qualified.

Commissioners how appointed; term of office.

SECTION 3. The mayor shall, on the first day of June, A. D. 1891, or as soon thereafter as may be, nominate, and by and with the advice and consent of the council, appoint one commissioner for six years, to fill the office of the commissioner whose term of office expires under the ordinance referred to in section 2, of this chapter, on the first day of July, 1891; and shall on the first day of June each year thereafter (or as soon after the first day of the month as may be) appoint in the same manner one commissioner for the term of six years from the first day of July succeeding such appointment. All commissioners so appointed shall hold their respective offices from and after appointment and qualification, and until their respective successors are duly appointed and qualified. All vacancies caused by death or resignation or otherwise, shall be filled in the same manner as the commissioners are appointed in the first instance.

Powers and duties of board of public parks.

SECTION 4. The board of public parks shall have full control of all parks now established or that may hereafter be established in the corporate limits of the city of Oshkosh. They shall have full power to expend moneys for the improvement and maintenance of said parks to an amount not to exceed in any one year the sum set apart by the common council for that year for such purpose. All moneys so set apart for park purposes, whether from levy and collection of taxes, sale of bonds, or otherwise, shall be kept by the city treasurer in separate funds to be known as the North Park fund and South Park

fund, and be paid out by him only upon the orders of the board of public parks, signed by the president of the board and the city clerk and countersigned by the comptroller.

Laying out of avenues and driveways.

SECTION 5. The board shall have full power to improve, extend and lay out avenues and driveways, so long as they conform to such park plans or plats, as are adopted or may hereafter be adopted by the common council. The compensation for the said commissioners shall be, and is hereby fixed at one dollar *per annum* each.

Reports.

SECTION 6. The board of public parks having in charge the maintenance and improvement of any public park or parks, boulevards or driveways, under and by virtue of this act, shall, on the first Tuesday of November, 1891, and annually thereafter, or as often as the common council may require, submit to the common council a written or printed report of all their doings in relation to the parks, and any improvements that may have been made during the preceding year, or that they contemplate making the ensuing year, and shall include in such report their estimates of amount of money necessary for the care, maintenance and improvement of the parks for the ensuing year.

Shall keep a record of all their proceedings, etc.

SECTION 7. The board shall keep a record of all its proceedings which shall be open to the inspection of any tax payer at any time and its proceedings shall be published in the official paper of the city. They shall elect such officers, and establish such rules and regulations to govern said parks as they may deem necessary. The city clerk shall be *ex-officio* secretary of the board.

CHAPTER XIII.

CEMETERIES.

Cemetery board, how constituted.

SECTION 1. There shall be a department known as the cemetery board, to consist of three commissioners who shall be appointed by the mayor and confirmed by the common council. Said board shall at their first meeting and biennally thereafter, elect one of their own members who

of fires, for the construction and maintenanc of all necessary engine houses and fire sta tions, fire alarms, fire signals, telegraphs o telephones, and for the use of all known mean of extinguishing or preventing fires. And th common council may appropriate the necessar sums for carrying the foregoing provisions int effect.

Council may fix fire limits.

SECTION 3. It shall be competent for the com mon council to fix and designate fire limits withi which no buildings having wooden outside w all shall be constructed, or repaired so as to increas their value beyond a percentage to be fixed in th ordinance, and the common council may, by ordi nance, prescribe special fire limits, within th general limits within which special fire limits the may require such building material to be used and such additional precautions to be observed both in the construction and maintenance of ex isting buildings as they may from time to tim designate, for the prevention of fires and th spread and communication thereof, and to pro vide any proper remedy for the enforcement o such ordinances as may be passed in relation t fire limits or any particular provision thereof; an to that end they may provide for the appoint ment of a building inspector, designate his au thority, fix his term of office and provide for hi compensation.

Fire account to be kept by city treasurer.

SECTION 4. The city treasurer shall keep a sep arate account with the general fund, to be calle the fire account, in which shall be entered all dis bursements for or on account of the fire depart ment and all appropriations made, and all taxe collected for its use.

Fund for the relief of firemen injured in discharge of duty.

SECTION 5. The common council may establis a fund for the relief of firemen injured in th discharge of their duties, and for the relief o the families of firemen who may lose their live in the discharge of their duties or in consequenc thereof, and may provide for the management an distribution of such fund or the proceeds thereo and may require all active firemen to contribut not to exceed two *per cent.* of their wages to sai fund.

CHAPTER XVI.

WATER WORKS.

SECTION 1. In case the water works now operated in the city are purchased by the city or in the event of the construction of water works by the city, the same shall be operated under the direction of the board of public works.

Board of public works to control water works owned by city.

SECTION 2. The common council shall have power to legislate on all matters with reference to the purchase, construction, operation, management and protection of water works for the city not contravening the provisions of this act or the constitution or laws of the state; provided, however, that all provisions relating to water works not herein otherwise provided, shall be adopted by a vote of not less than a majority of all the members of the council.

Common council may legislate on all matters pertaining to water works.

SECTION 3. The city may acquire by purchase or otherwise, as specified in this act for acquiring real estate for the public use, such lands as may be necessary for the construction and operation of water works to supply the city and inhabitants thereof with water; provided, that in case the water works are owned by private persons, or corporations the expense of acquiring such real estate shall be paid by such persons or corporations on a proper conveyance being made to such persons or corporations of said real estate.

City may purchase such real estate as may be necessary for construction and operation of water works.

SECTION 4. In case the city shall purchase said waterworks or in the event of construction of waterworks by the city, the water rates shall be collected by the city treasurer, and shall be devoted exclusively to the expenses of maintaining and operating the works and paying the principal and interest of any indebtedness created in the purchase or construction thereof.

Water rates, how collected, and for what purpose to be used.

SECTION 5. On the first day of January, April, July and October in each year, the board of public works shall furnish the city treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding three months, and the amount due for the same. If the amount due is not paid within ten days thereafter a penalty of ten *per cent.* shall

Board of public works to furnish list of lots to which water furnished with amount due; collection of same by treasurer.

be added and the treasurer shall proceed to collect the said dues with said penalty, together with five *per cent.* thereon. He shall have all the authority in collecting said tax vested in him in the collection of gneral city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said treasurer, and all sums not paid by the first day of November in any year that have accrued during the preceding year, shall be reported by the treasurer to the city clerk, who shall insert the same in the tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax.

Power of board in entering upon land to make examinations or surveys.

SECTION 6. The board of public works shall have power, by themselves, their officers, agents and servants, to enter upon any land or water or into or upon any premises in the said city for the purpose of making examinations or surveys in the performance of their duties under this chapter without liability therefor.

CHAPTER XVII.

SIDEWALKS.

Owners of abutting lots to build and maintain sidewalks.

SECTION 1. All sidewalks now laid shall be maintained and all sidewalks to be laid shall be laid and maintained by the owners of the abutting lots or parcels of land.

Grade.

SECTION 2 In all cases where the grades of sidewalks shall not have been specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

Standard sidewalks.

SECTION 3. The common council may, from time to time, by resolution, establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets.

When street improved or grade changed, grading of sidewalk to be part of contract.

SECTION 4. Whenever a street shall be improved for the first time, or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of

improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land, or at their expense as hereinafter provided.

Owner of abutting lot to build and maintain standard sidewalk.

SECTION 5. It shall be the duty of the owner of every lot or parcel of land abutting upon an improved street or a street ordered to be improved, whereon the sidewalk has been graded for ten days or more, to lay and maintain at his own expense a standard sidewalk in front of the same or one as good as the standard, to be approved by the board of public works.

If owner neglects to build sidewalk, board of public works shall do so, and charge same against lot.

SECTION 6. Whenever the owner of any lot or parcel of land so abutting upon any improved street, whereon the space for the sidewalk shall have been graded for ten days or more, shall neglect to lay a standard sidewalk, or one as good as the standard fixed by the common council, and approved by the board of public works, it shall be the duty of the board of public works to cause a standard sidewalk to be laid in front of such lot or parcel of land. Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalk shall be out of repair for more than ten days it shall be the duty of the board of public works to repair the same. The board of public works shall keep an accurate account of the expense of laying and repairing sidewalks in front of each lot, subdivision or parcel of land, whether the work be done by contract or without the intervention of a contract, and report the same to the city clerk, who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and report the same to the common council, and the amount therein charged to each lot or parcel of land shall be by the city clerk entered in the tax roll, as a special tax against said lot, subdivision or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

Clearing snow, ice, etc., from sidewalks.

SECTION 7. It shall be the duty of the board of public works to keep the sidewalks of the city

clear of snow and ice in all cases where the owners or occupants of the abutting lots fail to do so, and the expense of clearing the sidewalk in front of any lot or parcel of land shall be included in the statement to the city clerk required by the last section, and in the statement of the city clerk to the common council therein required, and in the special tax to be levied, as therein provided.

Ordinances relating to sidewalks.

SECTION 8. The common council may from time to time make all needful rules and regulations, by ordinance for carrying the aforesaid provisions into effect and for regulating the use of the sidewalks of the city and preventing their obstruction.

CHAPTER XVIII.

SEWERS.

System of sewerage.

SECTION 1. The city shall have full power to construct a system of sewerage. Provided, that nothing herein shall be construed to permit an abandonment of the uniform system of sewers already adopted by the city and known as Prof. Green's plans.

Diagrams of plans to be prepared.

SECTION 2. The board of public works shall cause diagrams of the plans of sewerage for each district to be prepared, showing the lots and parcels of land, the main sewers, minor sewers, man holes, catch basins, and all other matters pertaining to the system.

Notice, publication of same.

SECTION 3. On the completion of such diagram, notice shall be given in the official paper of the city, substantially in the following form:

Notice is hereby given that a plan for sewerage for the district bounded as follows: ..... has been prepared, and is now open to inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same at any time within thirty days after the first publication of this notice, and file objections to said plan. On the .... day of ....., ..., this board will be in session to consider any objections that may have

been filed, and all persons desiring to be heard before that board can then be heard.

Dated .....

....,
....,
....,
Board of Public Works.

The day for the hearing specified shall be within thirty days after the last publication of said notice. Said notice shall be published at least once in each week for four successive weeks.

Hearing on proposed system of sewerage.

SECTION 4. On the day specified for such hearing before the board, they shall take up and consider all objections made to the plan as proposed and shall take down in writing any testimony that may be offered to sustain said objections. When the board shall have concluded said hearing, they shall report the proposed plan with all objections overruled and the evidence taken thereon to the common council. The common council shall then examine the same, and may approve the plan as proposed or change it in such manner as they may think proper and approve as changed or modified by them, or may reject the plan and direct the board to propose a new plan, in which case the same proceedings shall be had as before.

Diagram of system finally determined on to be filed with city clerk.

SECTION 5. When the plan for any sewerage district is finally determined a complete diagram of the same shall be prepared and certified to be correct by the board of public works, which diagram shall be filed in the office of the city clerk.

Report of board recommending construction of sewers.

SECTION 6. On or before the first Monday of March in each year the board of public works shall present to the council a report of the sewers necessary or advisable to be constructed during the ensuing year. The council shall as soon as practicable consider said report; they may approve the same or make such additions or changes as to them may seem best, and adopt the report as changed or modified. No sewers shall be constructed during the ensuing year except such as have been determined upon in the manner aforesaid, except by a vote of two thirds of all the members of the common council. The board of public works shall proceed to construct the sewers determined upon, when and as ordered to do so by the common council.

Advertisement for bids for contract to build sewers.

SECTION 7. After the common council shall have ordered the construction of any sewer, the board of public works shall advertise for and receive bids to do the work so ordered having first procured to be carefully prepared and put on file in the office of the board for the examination and guidance of bidders plans and specifications describing the particular work to be done and the kinds and qualities of materials to be used as directed by the common council, and shall let the contract to the lowest responsible and reliable bidder; provided, however, that the board shall have the right to reject all bids and re-advertise for proposals if they believe none of the bidders are responsible or if they believe any agreement has been entered into between bidders to prevent competition, and provided further, that the contract shall not be binding till the same shall have been approved by the common council and countersigned by the comptroller.

Contract may provide for part payment in improvement bonds.

SECTION 8. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive as paymeat for so much of the work as has been assessed against the lots opposite to the front of which any such sewer shall extend, improvement bonds, and the residue of such contract shall be paid out of the proceeds of the general sewerage tax, to be levied on the real estate and personal property within the sewerage district by the common council on the recommendation of the board of public works.

Assessments for payment of cost of sewers how made.

SECTION 9. After any contract for work under this act to be paid for in whole or in part by such assessment shall have been entered into, the board of public works shall make or cause to be made an assessment against all lots, parts of lots and parcels of land, fronting and abutting on the work so contracted to be done on each side of the same for its whole length, and which have not been before so assessed for sewerage purposes, at a rate not exceeding fifty cents per lineal foot of the whole frontage of each lot or lots, or parcel of land fronting or abutting on either side of said sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots constituting the actual corner of corner

lots, subdivided in ownership, shall be entitled to a deduction in making such assessment, of one-third from the aggregate of the street lines of such corner lot or corner subdivisions thereof, on all streets in front thereof; such deductions to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof, or in case of equal street lines thereof, in the assessment of the second sewer to which they are liable; provided, however, that when the actual cost of any sewer shall be less than fifty cents per lineal foot, then and in that case, the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abutting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer is subdivided, and the subdivisions thereof are owned by different persons, no subdivision of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Apportionment of assessment on lots subdivided in ownership.

SECTION 10. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of the special improvement tax for a system of sewerage shall have been made, and before such system of sewerage shall have been fully carried out and extended to such lots assessed, and the assessment of such work paid, any party interested may give notice to the board of such subdivision, and in such case or when the said board shall, in any other way become cognizant of the fact of such subdivision, they may make an equitable apportionment of the said special improvement tax against any lot between the different parcels of it; but if by neglect of the owners of the lot so divided, no such apportionment shall be made, then the entire lots shall be liable for the entire tax.

Costs of sewers in street and alley crossings and catch basins how paid.

SECTION 11. The costs of all sewers in street and alley crossings, and of all sewers in excess of fifty cents per lineal foot chargeable to lots and lands as provided in this chapter, of all catch basins for receiving the water from the gutters, and of the overflow pipes connecting them with the sewers, of all temporary catch basins, and of

the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry on the system of sewerage herein provided, and all costs for constructing sewers not provided for by special assessment shall be paid out of the fund of the proper sewerage district, and all cleaning and repairing of sewers and catch basins, and all temporary work necessary to be done as above stated, shall be done by the authority of the board of public works as may be necessary.

Report of board of public works of amount of money required for sewerage purposes for ensuing year.

SECTION 12. The board of public works shall report to the common council on or before the first day of November of each year, as accurately as may be, the amount of money required for sewerage purposes for the following year in each district, in addition to the special assessments made; and the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of three mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district; which tax, so levied, shall, when collected, be placed in the fund of the sewerage district in which the same has been collected, and the city treasurer is hereby directed and required to keep a separate and distinct account of each sewerage district.

City orders and improvement bonds.

SECTION 13. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment city orders or improvement bonds, in liquidation of the amount of such contract, such city orders shall be payable only out of the funds of the proper district; and it shall be the duty of the city, after the completion of any contract, and acceptance of the work, to issue such city orders or improvement bonds to the person so entitled to receive them. Improvement bonds shall be issued in all respects as provided in the chapter of this act entitled, "City Improvements."

Contracts how drawn and signed.

SECTION 14. All contracts entered into by the board of public works under this chapter shall be with sureties approved as to form and execution by the city attorney, and before taking effect shall be signed by the mayor and clerk and countersigned by the comptroller.

SECTION 15. In all cases the work shall be subject to the superintendence and direction of the board of public works, and no contractor shall be entitled to recover compensation for any work executed by him in any form of action unless said work shall have been approved by the said board; provided, that the said board may from time to time, as the work progresses, at their discretion grant to any contractor for a sewer an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty *per cent.* of said estimate, which shall entitle the holder to receive the amount thereof, less twenty *per cent.* from the proper fund.

All work to be under control of board of public works.

SECTION 16. Whenever the common council shall order the paving or repairing of any street in the city in which water, gas mains and sewers or either of them, shall have been previously laid and constructed, they may also by resolution require the board of public works to cause water and gas service pipes and house drains to be first laid in such street, at the cost of the property fronting on such street, from the main sewer, water and gas mains in such street to the curb line on either side of the street, at intervals not less than twenty feet long the whole length of such paved street, except at street and alley crossings, and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official papers, requiring them to do such work opposite their respective lots, according to a plan and specification to be before prepared and on file in the office of said board, showing the location and size and the kind and quality of material of such lateral sewers or drains, and water and gas service pipes, and if such owners or occupants shall refuse or neglect to do the same, before the paving or preparing of said street so ordered, and within ten days after the publication of such notice the board may procure the same to be done, and charge and assess the expenses thereof to the lots or parts of lots fronting upon such work, in the manner provided in the chapter of this act, entitled, "City Improvements," and the same shall be levied and collected as other special assessments are levied and collected in said city; provided, that

Water and gas service pipes and house drains may be ordered laid in street fronting lots, notice to be given by publication.

no street shall be paved or repaved by order of the common council unless the water and gas mains and service pipes, and necessary sewers and their connections shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved.

Drains and sewers to be built to connect with main sewers.

SECTION 17. It shall be the duty of the said board to see that proper drains and sewers are constructed from every lot in said city, which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers, in proper manner; and they shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

Board to describe location and construction of private sewers.

SECTION 18. The said board shall describe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewer shall be contructed

Specifications of private sewers to be kept on file in office of board; if lot owner fails to build sewer, board may.

SECTION 19. The said board shall have at their office, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and they shall give to the lot owners six days' notice in the official paper to construct the same, designating therein a reasonable time within which the work shall be completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, they shall advertise for proposals and let the same by contract, and at the completion of the contract shall give to the contractor, city orders or improvement bonds, against such lot or lots in all respects and with like effect as other improvement bonds given for work chargeable to lots.

Contractor authorized to enter on lot to build sewer.

SECTION 20. Any person who has taken from said board such contract to construct a private drain or sewer from any lot shall be authorized to

enter upon such lot and construct thereon such drain or sewer and shall have free ingress and egress upon the same with men for that purpose, and to deposit all the necessary building materials, and generally to do and perform all thing necessary to a complete execution of the work.

Connections with public sewers not to be made without permit from board of public works; fee for permit.

SECTION 21. No private drains shall be connected with any public sewer without the said board first issuing their permit for such connections; and there shall be paid for such permit into the general fund of the sewerage district, by the owner of any lot from which a private drain is let into a public sewer an amount to be fixed by said board proportioned to the size of such private drain, but not less than one and not more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot; and collected as other special assessments, and shall be collected as other taxes on real estate are collected; provided that no charge shall be made for the permit therein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises to be connected.

Penalty for injuring public or private sewers.

SECTION 22. No person is required to make connections until building, and no person shall break open or make connections with any public sewer, except by the consent and under the direction of the board of public works, and any person who shall do so, or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed in said city for the purposes of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty dollars, or imprisoned in the county jail not to exceed three months.

Contractor, etc., may lay sewers through any alleys, streets, highways, etc., restoring streets, etc., to former condition.

SECTION 23. Any contractor or other person acting under the direction of the board of public works, may lay sewers in and through any alleys and streets of said city and through any breakwater into any lake, and under any railroad, and also in any highways of the county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, breakwaters and high-

ways and to restore the same to the former condition upon the completion of such sewers.

Diagram after nine months to be conclusive proof of regularity of proceedings establishing same.

SECTION 24. The diagram filed as the final determination for a plan of sewerage for any district after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage, shall not thereafter be called in question in any court.

Plan not to be changed after adopted except on three-fourths vote of council.

SECTION 25. When a plan of sewerage has been finally determined upon, it shall not be changed except by a vote of three-fourths of all the members of the common council, in favor of the same. Such change shall be by ordinance passed at a regular meeting after the same shall have been published, at least once in each week for two successive weeks in the official paper of the city.

If plan changed diagram to be changed also.

SECTION 26. When such change shall have been determined upon, diagrams shall be prepared, certified and filed as before showing the plan of sewerage as changed, and after nine months from the date of such filing, the said diagram shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; and any change rendering useless any existing sewer, the expense of the change shall be paid from the general fund.

Notice of issuance of improvement bonds to be published.

SECTION 27. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of said sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks substantially in the following form:

IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENTS.

Form of same.

Notice is hereby given that a contract has been let for the construction of a sewer as follows:

(Describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots or parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed, is now on file with the city clerk. That improvement bonds may be issued chargeable to the abutting real estate to pay the special assessments for said sewers and such bonds will be issued covering all of said assessments where the owners of the property file with the comptroller, within thirty days after the date hereof, notice that they elect that such bonds issue against their property describing the same. Unless the owners of said property shall file said notice the entire amount of said special assessment will be included in the next tax roll, that said bonds will be a charge upon the particular lots only, against which said special assessments are claimed.

Dated the .... day of ....., ...

.....

City Clerk of the City of Oshkosh.

Form and conditions of bonds.

SECTION 28. The city council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties elect not to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six *per cent.* per annum, shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk, and countersigned by the comptroller, and sealed with the official seal of the city.

Sale of bonds.

SECTION 29. Said bonds may be sold by the common council at not less than par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as payment on his contract at their par value with accrued interest.

City how reimbursed for payment of bonds.

SECTION 30. The city shall pay the principal and interest on said bonds as they fall due, and shall reimburse itself by a tax on the particular

lots mentioned in said bonds in the following manner:

Levy of tax, to be credited to sewerage fund.

SECTION 31. The city clerk, under the supervision of the comptroller, shall, in each year for five years succeeding the issue of said bonds, enter into the tax roll as a special tax upon each of the parcels of land mentioned in said bonds, one-fifth of the special assessment as to each of said parcels of land, with six *per cent.* interest on the whole amount of said special assessment on such parcel of land then unpaid. Said tax shall be treated in all respects as any other city tax, and when collected shall be credited to the sewerage fund of said city.

Action to avoid tax, not maintainable after the issue of bonds.

SECTION 32. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the forogoing section.

CHAPTER XIX.

CITY IMPROVENENTS.

Grades of streets and alleys.

SECTION 1. The city council shall have authority to establish the grade of all the streets and alleys of the city, and to change and re-establish the same as it may deem expedient.

Adoption of grade to be recorded by city clerk.

SECTION 2. The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded in the manner herein set forth.

How streets to be graded.

SECTION 3. The streets shall be divided into a carriage-way and a sidewalk on each side thereof, and when deemed advisable a terrace may be constructed between the carriage way and the sidewalk; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein.

Majority vote required to grade, re-grade or improve street, when cost over two hundred dollars.

SECTION 4. The city may cause streets and alleys to be opened, leveled, graded, re-graded, graveled, re-graveled, macadamized, paved and re-paved with wood, stone or other materials or improved in any other manner; and may cause such streets

and alleys to be swept, cleaned and sprinkled; provided, that no street shall be graded, graveled macadamized or paved where the expense would exceed two hundred dollars, except upon the vote of a majority of all the members of the common council.

Grading, etc., in first instance to be charged to abutting lots.

SECTION 5. In the first instance the grading, graveling, paving, planking, macadamizing or improvement of any street or alley and the construction of cross-walks where there is no intersection of streets, shall be chargeable to the lots or parcels of land fronting or abutting upon such street or alley.

Crosswalks, expense of and of cleaning of streets, etc., how paid.

SECTION 6. The expense of all cross-walks at the intersection of streets or alleys, and across public grounds, shall be paid by the city. The expense of maintenance, re-laying, keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade and graveled, planked, macadamized or paved as required by the common council, shall be paid out of the general fund of the city or the ward fund of the proper ward.

Board of public works to view premises and ascertain cost of work before council may act.

SECTION 7. Before the council shall change or alter any established grade, or shall order any work to be done on any street, in whole or in part, at the expense of the abutting real estate, it shall order the board of public works to view the premises and estimate and report the entire cost of the contemplated work or improvement upon the street and as to the advisability of making such improvement.

Report.

SECTION 8. Said board shall make and file in their office a report showing their determination on the question required to be considered by them under the provisions of the preceding section, and shall file a copy of said report with the comptroller and with the city clerk.

Report to be placed before council for its consideration.

SECTION 9. The city clerk at the next regular meeting of the council after the filing of said report, shall place the same before the council for its consideration, and said council may confirm or correct the same or refer the report back to the board for further consideration.

Advertisements for bids on contract for doing of proposed work.

SECTION 10. When any of the work before mentioned shall have been ordered to be done, and the plans for the same containing a description of the work, the materials to be used and

such other matters as will give an intelligent idea of the work required, shall have been filed with the city clerk where the same can be inspected by persons desiring to bid on such work, the board of public works shall advertise in the official paper of the city for bids for doing such work for such length of time as the board may think the interests of the city demand, not less, however, than once a week for four successive weeks. The board shall prepare, or cause to be prepared, a printed form for the contract with sureties required, and furnish the same to all persons desiring to bid, and shall not consider any bid unless accompanied by a contract with sureties as prescribed by the forms so furnished, completed, with the exception of the signatures, on the part of the city. The notice published shall inform bidders fully of this requirement.

Board may reject any and all bids if there is evidence of collusion.

SECTION 11. The board of public works shall have power to reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competion, otherwise the contract shall be let as prescribed in the chapter entitled "Board of Public Works."

Contract may provide that part or full payment may be made in improvement bonds.

SECTION 12. When a contract is let for doing any work specified, herein chargeable to the abutting real estate, it may provide that the amounts so chargeable may be paid in improvement bonds, or that payment may be partly made in cash or improvement bonds or both.

Notice of completion of work and issuance of bonds; form of.

SECTION 13. Whenever any work has been done under contract, as provided in this act, and the same shall have been approved by the board of public works and the amount chargeable to the abutting real estate is finally determined, the common council may cause a notice to be published in the official paper, substantially in the following form:

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been let (describe the work and street), and that the expense of said improvement chargeable to the abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk.

Improvement bonds may be issued chargeable to the abutting real estate to pay the special assessment for said improvement, and such bonds will be issued covering all of said assessments where the owners of the property filed with the comptroller, within thirty days after the date thereof, notice that they elect that such bonds issue against their property, describing the same. Unless the owner of such property shall file said notice the entire amount of such special assessment will be included in the next tax roll.

Dated the .... day of .....

. .....,

City Clerk.

Improvement bonds may be issued in thirty days by council.

SECTION 14. After the expiration of thirty days the council may issue improvement bonds covering all of the assessments where the owners have filed notices of election to have such bonds issued as stated in the preceding section. Said bonds shall be signed by the mayor and clerk, countersigned by the comptroller, be sealed with the corporate seal of the city and contain such recitals as may be necessary to show that they are chargeable to particular property, specifying the same and the number and amount of said bonds.

Form and conditions of bonds.

SECTION 15. Said bonds shall be annual interest coupon bonds, payable at the option of the city after one year and absolutely at the expiration of six years from their date, and shall draw interest at a rate not exceeding six *per cent. per annum*. Any person against whose property special improvement bonds have been issued for any purpose authorized by this act may at any time pay to the city treasurer the entire amount of such improvement tax together with the interest thereon then unpaid, and take the treasurer's receipt therefor, which receipt shall state fully the purpose for which it was given and when countersigned by the comptroller shall release the property named therein from any and all claims the city may have against the same by reason of said assessment and issue of said bonds. When any improvememt tax is so paid the treasurer shall report payment of same to the comptroller who shall certify the same to the city clerk.

How improvement tax may be paid.

SECTION 16. The city clerk, under the direction of the comptroller, shall carefully prepare a correct statement of the special assessments on

Statement of special assessments on which bonds issued to be prepared and kept on file in the office of city clerk.

which the bonds are issued and present it to the comptroller who shall examine it and certify to its correctness and return it to the city clerk who shall then record the same, together with a copy of said bonds in his office. The comptroller shall keep a record of all such bonds issued and of their payment.

Payment of principal and interest of bonds.

SECTION 17. The city treasurer shall pay the interest on the principal of said bonds as the same becomes due and charge the amount to the proper fund, and as fast as said bonds are paid by him he shall report payment of same to the comptroller, who shall certify the payment of the same to the city clerk.

One fifth of special assessment on lot to be extended in tax roll each year.

SECTION 18. In each year for five years after the issuing of said bonds, when the tax roll for the year is prepared, one-fifth of the special assessment on each parcel of property covered by said bonds, together with six *per cent.* interest on the amount of said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property and thereafter the tax shall be treated in all respects as any other city taxes, and when collected the same shall be credited to the fund against which payment on said bonds are charged.

Action to avoid special assessment not maintainable after issuance of bonds.

SECTION 19. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

CHAPTER XX.

EMINENT DOMAIN.

Condemnation of lands for public purposes.

SECTION 1. The city shall have power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for school buildings and other public buildings, and lands to be used for purposes of drainage and water distribution and other public municipal purposes not here enumerated by the following proceedings:

Petition for the opening, widening or changing of streets.

SECTION 2. As to streets it shall be competent for any ten resident freeholders in any ward to petition the common council for the opening,

widening, extension or change of any street in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards shall be required to join in the petition. Such petition shall be addressed to the common council, and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be taken. For the purposes of such petition a person in possession of land under a contract of purchase and sale, or a bond for a deed, shall be deemed a freeholder.

Such petition to be referred to board of public works; report on to be made to council.

SECTION 3. When such petition shall be presented to the common council it shall, prior to the adoption of any resolution thereon, be referred to the board of public works, and said board shall make a report to the common council, stating whether or not such petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken and a plat of the proposed street, widening, extension or change. Upon the coming in of such report the common council may, if the petition be reported sufficiently signed, by a vote of a majority of its members, adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prosecute the proper proceedings for the condemnation and acquisition of said land.

Petition for the opening, widening or change of any alley.

SECTION 4. As to alleys a petition for the opening, widening, extension or change of an alley may be made to the common council by the owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city or not. Land held under a land contract or bond for a deed shall, for the purpose of such petition, be deemed to be owned by the person so holding it, and infants and others under guardianship may petition by their guardians. Such petition shall, before any resolution upon it be adopted, be referred to the board of public works, who shall thereupon make a report to the common council, stating

whether or not the petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley, as the same will be when laid out, widened, extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the common council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear, either in the case of a street or alley that such petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition or the subsequent proceedings thereon,

On a vote of four-fifths of its members council may order city attorney to proceed to condemn lands for public use.

SECTION 5. The common council may without a petition, by a vote of four fifths of its members, adopt a resolution declaring it to be necessary to condemn to the public use any lands for the opening, widening, extension or changing of any street or alley and directing the city attorney to commence and prosecute the proper proceedings therefor, and in case of the opening or extension of public grounds or acquiring land as a site for a school building or other public building, or lands for purposes of drainage or water distribution, or the taking of lands for any public municipal purposes not herein enumerated, the common council may without a petition therefor, and by a vote of a majority of its members, adopt a resolution declaring it to be necessary to condemn lands for such purpose, describing it in general terms, but not particularly describing the lands proposed to be taken, and directing the city attorney to commence and prosecute the proper proceedings therefor. Before any resolution provided for in this section shall be adopted, it shall be referred to the board of public works, who shall thereupon make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, public ground, building site, drain, or water pipe, or land to be used for other public municipal purposes, and report the same to the common council.

SECTION 6. Whenever by any resolution adopted under any of the preceding sections of this chapter it shall be declared necessary to condemn any lands, and the city attorney directed to commence and prosecute the proper proceedings therefor, it shall be the duty of the city attorney to prepare and present as soon as may be a petition to the circuit court of the county in which the land proposed to be taken, or some of it, shall lie, for the condemnation of the land mentioned in the resolution for the purpose therein mentioned, and to prepare and file with said petition a sworn list of the names and residences, so far as they are known to him or can with reasonable diligence be ascertained by him, of persons owning or being interested in the lands proposed to be taken therein; and said petition shall have annexed thereto copies of the original petition, if any, the resolution of the common council and the report of the board of public works as to the proposed condemnation. The city attorney shall thereupon prepare a notice substantially in the following form:

Duties of city attorney in proceedings to condemn lands; notice service of same and hearing on petition.

State of Wisconsin. In the matter of (here insert the object of the proceedings) in the city of Oshkosh.	In the circuit court of the county of Winnebago.

To whom it may concern:

Notice is hereby given that a petition for the condemnation of real estate has been presented to said court in the above entitled matter, by the city of Oshkosh, by its city attorney. All persons interested in said matter may answer said petition at any time within twenty days after the service of this notice, exclusive of the day of service.

Dated.... .....

....

City Attorney.

Such notice may be served upon the owners of land which is proposed to be condemned and all persons interested therein, in all respects like a summons in a civil action except that in cases of service by publication and mailing, or by publication alone, the publication shall be made in the official paper of the city, and except that service within the state may be made by the

chief of police of the city or by his subordinates instead of the sheriff of the county, and the return or returns of such chief of police by himself or by his subordinates upon such notice or copies thereof shall have the same force and effect as the return of a sheriff of the county by himself or by his deputies. The filing of said petition shall be deemed the commencement of a suit. Within twenty days after the service of such notice upon any party owning or being interested in any real estate proposed to be condemned such party may serve an answer to such petition upon the city attorney and file the same as in cases of answers in civil actions; no notice of retainer or appearance without an answer shall be of any avail. When the time for answering shall have fully expired, the city attorney may call up said matter for hearing upon a notice of three days, excluding the day of service and excluding Sunday and legal holidays, and without notice to parties who have not answered and such proceedings shall have precedence over all other matters not on trial; and the circuit court shall thereupon empanel a jury, as in civil cases triable by jury, to determine whether or not it is necessary to take the land proposed to be condemned for the public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court, at the expense of the city, and shall return into court as in such cases; and if no answer shall have been served, the city attorney shall produce such evidence as he deems material as to the necessity for such condemnation, and if an answer or answers shall have been served, the issue upon the petition and such answer or answers shall be tried by the court and jury, the same as other issues of fact, and in either case, the court shall thereupon instruct the jury as in other cases triable by jury. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding, for the public use," or, "We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding for the public use."

Upon the coming in of the verdict judgment shall be entered condemning the land sought to be condemned to the public use for the purpose set forth in the petition, or dismissing the petition as the verdict shall require. If the jury shall disagree, a new jury shall be immediately impaneled and like proceedings shall thereupon be had as before. If two juries shall disagree, the matter shall be continued to the next term of the court, when it may be again called up and like proceedings had thereon. If three juries shall disagree, the proceedings shall be dismissed. No appeal from a judgment of condemnation shall be allowed, but the supreme court may review such judgment upon a writ of *certiorari* sued out within thirty days after the entry of judgment and not thereafter.

Costs of proceedings, how paid.

SECTION 7. The cost of the foregoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands in question to the public use, or if the proceeding shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred and taxable attorney fees not to exceed twenty-five dollars.

Condemnation proceedings when deemed abandoned; when city may take possession of land condemned; payment of excess of damages over benefits to persons entitled thereto.

SECTION 8. If the city shall not within one year after the entry of a judgment of condemnation, cause the benefits and damages by reason of such condemnation to be assessed, as provided in this chapter, and shall not have, in the proper fund available for that purpose, a sum sufficient to pay the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned. At the expiration of one year after the entry of such judgment the comptroller shall, upon demand, furnish to the mayor or to any person who shall require it, a certificate showing whether or not there was at the end of such year, in any fund of the city available for that purpose a sum sufficient to pay such excess of damages over benefits, and such certificate shall be *prima facie* evidence of the facts therein certified. If it shall appear that there is in any fund of said city a sufficient sum available for that purpose at the expiration of such year or at any time prior thereto, and after such assessments of benefits

and damages shall have been made and confirmed, the city may take possession of the land condemned, an order on the city treasurer shall be issued as in other cases, in favor of the person in whose favor any excess of damages over benefits shall have been assessed, upon the certificate of the city attorney that such person is entitled to receive the same. If the city attorney shall refuse to give any such certificate, the party or parties claiming the same may apply to the circuit court at the foot of the judgment of condemnation for a decision awarding such amount to him or them, and upon such application and eight days' notice thereof to the city attorney, the court shall proceed in a summary manner to inquire as to the rights of the parties in the premises, and may make up an issue upon such application and submit the same to a jury in a proper case, and shall make and file a decision, in writing, as to who is entitled to draw the amount in controversy, and in filing a certified copy of such decision with the city clerk, an order shall be issued in accordance with such decision. If any two or more parties shall claim the same sum, or if the city attorney shall be in doubt as to whom such sum should be paid, he may, in like manner apply to the court at the foot of the judgment of condemnation for a decision as to the rights of the parties in respect to such sum, and upon such application and eight days' notice thereof to the parties interested, the court shall proceed in like manner to ascertain and decide who is entitled to said sum or any part thereof, and the city treasurer shall in like manner pay the same out upon and according to such decision. An appeal from any such decision may be taken to the supreme court by any party interested therein, including the city, within thirty days after the filing of the same, and such sum shall not be paid while such appeal is pending, nor until the matter shall be finally determined. Such appeal shall be taken upon like notice and undertaking as an appeal from an order in a civil action, and like proceedings shall be had thereon in the supreme court and in the circuit court.

SECTION 9. If any person, not the owner of the land condemned, shall have a lien thereon or a

leasehold or other interest therein, such person shall receive a portion of the excess of damages over benefits awarded by reason of such condemnation in proportion to the lien or interest he may have had in the land condemned, to be ascertained upon the principles of equity; and if the parties cannot agree the matter may be decided by the court at the foot of the judgment of condemnation upon the application of a party or the city attorney as provided in section 8. The term "excess of damages over benefits" shall, when used in this act, be construed to include any sum which shall be assessed as damages and not offset by an assessment of benefits, as well as the balance in favor of a party in whose favor damages have been assessed and against whom benefits have been assessed.

Lien or incumbrances to have such portion of damages as his interest bears to value of property.

SECTION 10. When any land shall be condemned under this chapter for public grounds or sites for school or other buildings, the city shall take a fee simple title to the land so condemned. In all other cases the fee shall remain in the owner, his heirs and assigns, and the city shall take by the condemnation only such an interest in the land as shall be necessary and convenient for the uses and purposes for which it is condemned.

City to have fee simple title to lands condemned for public grounds or sites for school or other buildings.

SECTION 11. Condemnation proceedings under this chapter shall in no case be a bar to subsequent proceedings for the condemnation of the same premises or any part thereof for the same or a different purpose; the same land may be condemned more than once for different purposes, each consistent with the other.

Lands may be condemned more than once for public purposes.

SECTION 12. When a street or alley shall be changed by proceedings under this chapter, so much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

When street or alley changed original street not included in new one deemed vacated.

SECTION 13. It shall be the duty of the common council, within three months after any judgment of condemnation shall have been entered, to adopt a resolution directing the board of public works to make an assessment of damages by reason of such condemnation, and in the case of

Council to order board of public works to make assessment of damages within three months.

condemnations for opening, widening, extending or changing streets or alleys, and for opening public grounds, parks and cemeteries, the common council may also direct the board of public works to make an assessment of benefits. Such resolution shall be certified by the city clerk to the board of public works immediately after its adoption and approval. When such assessment shall have been made and reported to the common council, that body may, by resolution, confirm the same, or refer the matter back to the board of public works, for a new assessment, or may, by resolution, abandon the condemnation proceedings. If the common council shall for more than three months after the entry of a judgment of condemnation, neglect to order an assessment of damages or benefits and damages, as the case may be, the condemnation proceedings shall be deemed to have been abandoned, and if the common council shall not within one year after the entry of judgment of condemnation, confirm an assessment of damages, or of benefits and damages, and make provision for paying the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned.

Assessment of damage by board of public works, how made.

SECTION 14. When the city clerk shall have certified to the board of public works a resolution of the common council requiring an assessment of damages, or benefits and damages, to be made under this chapter, the said board shall immediately proceed to assess the damages by reason of the condemnation mentioned in such resolution, as follows: Opposite each description of the land condemned the board shall set down in separate columns the damages sustained by the owner by reason of the taking of the land, the damages, if any, to the adjoining property of the same owner, the total damages, and in cases wherein benefits may be assessed, the benefits which will in their judgment accrue to lands in the vicinity of the condemned land by reason of the condemnation in question, the excess of damages over benefits, and the excess of benefits over damages, each such sum being set opposite the proper description. No benefits shall be assessed against any lot, parcel or subdivision, every part of which shall be twelve hundred feet or more dis-

tant from the nearest land condemned, and no benefit exceeding five *per cent.* of the assessed value thereof according to the last assessment roll, shall be assessed against any lot, parcel or subdivision by reason of any one condemnation proceeding, and no benefit exceeding three *per cent.* of the assessed value thereof, according to the last assessment roll, shall be assessed against any lot, parcel or subdivision, the whole of which is more than seven hundred feet distant from the nearest land condemned by reason of any one condemnation. In assessing such damage or damages and benefits the board of public works shall upon the completion of such assessment give notice by publication in the official newspaper of the city at least once in each week for two successive weeks that the report of such assessment is open for review in their office and will be so continued for the space of twenty days after the date of such notice, and that on a day named therein, which shall be not more than three days after the expiration of said twenty days, said board will be in session to hear all objections that may be made to such assessment. No irregularity in the form of such assessment nor of said notice shall affect the validity of the same if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said assessment, said board shall hear all parties interested who may appear for that purpose, shall reduce to writing all objections that may be made, and all evidence that may be offered to sustain the same, and shall have power to review, modify and correct said assessment as they may deem just; and thereupon a complete and final assessment shall be made and filed by said board with the city clerk, together with all objections and evidence taken before them to sustain the same, together with proof of publication of said notice, but no irregularity in the form of said report of assessment or in the manner of conducting the proceedings by said board shall affect the legality of said assessment.

Confirmation of assessment by council, list of assessments to be included in tax roll and collected as other taxes.

SECTION 15. When such assessment shall be confirmed by the common council the city clerk shall transmit the same to the comptroller, who shall thereupon report to the city clerk a list of special taxes to be entered in the tax roll on ac-

count thereof, which list shall have set opposite each description against which benefits not offset by damages, or an excess of benefits over damages shall have been assessed, the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax, and shall be collected the same as other taxes.

Cost of condemnation, how paid.

SECTION 16. The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnation of streets and alleys, and public grounds less than five acres in extent which shall be paid out of the ward fund or funds of the proper ward or wards, and the cost of condemnations for other purposes, as to which there are special funds, such as the water fund or the sewer fund, if any, shall be paid out of such fund, and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid.

City may condemn lands under provisions of R. S. 1878, and acts amendatory thereof.

SECTION 17. The city may, at its option, condemn lands for any of the purposes mentioned in the first section of this chapter under the provisions of section 927 and sections 895 to 904 inclusive, of the revised statutes of 1878, and the acts amendatory thereof.

Appeals to circuit court from assessments of damages and benefits.

SECTION 18. Any party aggrieved by any assessment of benefits or damages, or both, may appeal to the circuit court therefrom, within the time, in the manner, and upon the security prescribed in appeals from the decision of the common council, upon claims and like proceedings shall be had thereon. Such appeal shall not affect any special tax levied on account of an excess of benefits over damages, but the amount recovered by the appellant, properly applicable in reduction of such assessment and the costs, if any, shall be paid out of the proper fund; also the amount recovered by way of increasing any damages assessed, or for damages when none have been assessed, with the costs, if any.

CHAPTER XXI.

ACTIONS, APPEALS, BONDS, SURETIES.

SECTION 1. All actions brought to recover any penalty or forfeiture or for the punishment of any offender for the violation of the ordinances or by-laws, made by the city, shall be brought in the corporate name of the city.

Action to be brought in name of city.

SECTION 2. In case of convictions in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of such city, the court shall enter judgment for such fine, penalty or forfeiture, together with the costs of prosecution against the defendant; and shall also enter a judgment that such defendant be imprisoned in the county jail or city jail until such judgment be paid, not exceeding, however, the term of six months; and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment, the court shall also render judgment that such defendant pay the costs of prosecution, and that he be held in imprisonment until such costs are paid, but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months.

Judgments in actions to recover penalties, etc., shall include alternative provision that defendant be imprisoned in default of payment.

SECTION 3. Any person aggrieved by the judgment of the court, imposing a fine, penalty or forfeiture or a term of imprisonment, may appeal from such judgment to the county court of the county in the same manner in which offenders may under the general law appeal from the judgments of the justices of the peace, in actions where the state is a party plaintiff.

Appeals to the county court.

SECTION 4. No action shall be maintained by any person against the city upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

Before action, claim must be filed with city council.

Disallowance of claim to be final after appeal expired.

SECTION 5. The determination of the common council disallowing in whole or in part any claim shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Appeal from disallowance of claim, how taken.

SECTION 6. Whenever any claim against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such common council disallowing said claim to the circuit court of the county in which the city is situated, by causing a written notice of such appeal to be served on the clerk of the city within twenty days after the making of the decision disallowing such claim; and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the city attorney and comptroller, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council with its decision thereon and shall transmit the same, together with all the papers in the case, to the clerk of the circuit of the county. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the common council exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceed the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

CHAPTER XXII.

HARBORS AND BRIDGES.

Board of public works to have control of harbors and bridges.

SECTION 1. The board of public works, under the direction of the common council, shall have

charge of the construction, repair and maintenance of all harbors and bridges within the city.

Common council shall have power to determine location, and may fix or change dock lines, etc.

SECTION 2. The common council shall have power to determine by ordinance or resolution, the location of all harbors or bridges, and the manner of their construction, and by ordinance to adopt, fix and change, from time to time, dock lines along the water fronts within the boundaries of the city, conforming as near as practicable to the original meander lines and survey thereof, and to require the riparian owners to build and maintain docks for the protection of the banks of such stream; and upon the failure of such owners to perform such work as directed, the board of public works may cause such work to be done, and the expense therefor charged to the abutting lot or lots. The mode of proceeding shall be similar to proceedings as in the case of building sidewalks.

Preliminary proceedings in doing work on harbors, docks, bridges, etc.

SECTION 3. Whenever the common council shall by resolution, declare it to be necessary to construct or repair any harbor, dock, wharf, breakwater, channel or bridge, it shall be the duty of the board of public works to prepare an estimate of the cost of such work and file it with the comptroller and with the city clerk, who shall submit the same to the common council; thereupon the common council may, by resolution direct the work to be done. It shall then be the duty of the board of public works to advertise for bids for doing the work and furnishing the material, the same as in the case of work to be done and materials furnished in the construction of streets, and they may receive bids and award contracts to the lowest bidder or bidders in the same manner as in the construction of streets; the work contracted to be done when finished, shall be accepted by the board of public works before final payment shall be made to the contractor or contractors. The contract may provide for the payment of not more than eighty *per cent.* of the cost of the work, upon estimates of the city engineer, or city surveyor, as the work proceeds and at least twenty *per cent.* of the cost of the work shall be retained until the work shall have been accepted by the board of public works.

City clerk, how to keep accounts of expenditures and receipts on account of bridges, harbors, etc.

SECTION 4. It shall be the duty of the city treasurer to open and keep a separate account of the receipts and disbursements on account of bridges, and another if need be, on account of harbors, docks, wharves and the like, to be called respectively "Bridge Accounts" and "Harbor Accounts," and it shall be the duty of the board of public works to make annual estimates of the moneys necessary to be raised for the construction, maintenance and repair of all harbors and bridges, and submit the same through the comptroller and the city clerk to the council, and it shall be the duty of the council to provide, by taxation or loan, the necessary funds for the same as in the case of other public works. The bridge account and the harbor account shall each be one of the accounts of the general fund, but moneys raised on account of either shall not be applied, nor be deemed applicable to the payment of any other expense or expenses, nor shall the same or any portion thereof be credited to any other account, unless a resolution for that purpose shall be passed by the common council by a majority of two-thirds of all the members thereof.

Special assessments for bridges, harbors, docks, etc., to be made only by consent of lot owners.

SECTION 5. No special assessment for benefits shall be made on account of any bridge, harbor, dock or wharf, or any such like improvements, except as herein otherwise provided, unless the owners of property benefited thereby shall consent in advance to the levying of such assessments to the amount thereof as provided in the next section.

Petition of lot owners, for building of bridge, dock, wharf, etc., what to contain.

SECTION 6. Whenever the owners of land benefited by any proposed bridge, harbor, dock or wharf, shall by petition to the common council pray for the construction thereof and shall, in and by the terms of such petition, consent that their land, describing it, shall be assessed for benefits by reason of such improvement; (the percentage on the assessed valuation of such land to be so assessed being designated in said petition), if the improvement prayed for be made and accepted within the time designated in such petition, it shall then be the duty of the city comptroller to prepare a statement of assessments made pursuant to the consent contained in such petition, and report the same to the city clerk and the city clerk shall thereupon levy said as-

sessments as special taxes, upon the lands designated in said statement, in a separate column in the city tax roll for the current year, and such taxes shall be collected and paid into the city treasury and credited to the account of the proper fund the same as other taxes.

Repairs of less than two hundred dollars may be made without intervention of contract, by board of public works.

SECTION 7. In cases where it should be urgently necessary, for the preservation of property, to make any repair on any bridge, dock or wharf, not to exceed two hundred dollars, in expense, it shall be the duty of the board of public works, with the consent of the mayor and comptroller, to make such repairs without the intervention of a contract, and report the same as soon as may be to the common council, whereupon it shall be the duty of the common council to make provisions, by taxation or loan or by appropriation of funds available for that purpose to meet the expense of such repairs.

Dredging; machines and apparatus may be purchased.

SECTION 8. Whenever it shall be necessary for the construction or maintenance of a harbor, that any lake, bay, slough, pond, river or creek shall be dredged or deepened, the board of public works, by the direction of the common council, may let contracts for such dredging to the lowest bidder, the same as in the case of other public works, or the city may purchase and maintain for its use the necessary dredges and other apparatus for such work, and may provide funds for the purchase, use and maintenance of such dredges and other apparatus by appropriations made from the general fund, to be charged to the harbor account; the money for that purpose to be raised by taxation or loan, as other moneys in general funds are raised, and the board of public works, under the direction of the common council, shall have control and management of such dredges and other apparatus, and shall employ such men and purchase such supplies as may be necessary in the management thereof, and the men so employed shall be paid and the supplies so procured, shall be paid for, upon certificates of the board of public works, countersigned by the comptroller out of the general fund and charged to the harbor account.

Construction of lake shore protections.

SECTION 9. In case it shall be necessary to protect any land from being washed away by any lake, river or other water, the common council

may by ordinance, provide for the protection of such land by a wall, dock or breakwater, to be constructed as the common council may prescribe, and the council may in such case direct the board of public works to make an assessment of the benefits accruing to the lands so protected and other lands benefited thereby. The boundaries of assessment districts shall be fixed and determined by the common council. The costs of such protections shall be raised as follows: One half thereof or such lesser proportion as the common council shall direct and order, shall be paid out of the contingent fund or out of a special fund to be raised for the purpose, and the balance shall be levied and raised by the assessment of special benefits upon the real estate within the boundaries of the proper assessment districts. The entire cost of protecting public grounds and the ends of streets shall be borne by the city. Such assessments shall be made, corrected, reported to the common council and confirmed by the common council the same as assessments for other public works, and improvement bonds may be issued thereon in the same manner and with like effect as in the case of other public works. An appeal to the circuit court may be taken from any such assessment upon like notice and security within the same time and with like effect as in the case of other public works, and like proceedings shall be had thereon.

Cost of same; how paid.

CHAPTER XXIII.

MISCELLANEOUS.

Aldermen ineligible to other municipal office.

SECTION 1. No alderman shall hold any other municipal office, except as otherwise herein provided.

Inhabitant or tax payer not incompetent judge, justice, juror or witness.

SECTION 2. No person shall be incompetent to act as judge, justice of the peace, witness or juror, by reason of his being an inhabitant of or tax payer in the city in any action or proceeding in which the city shall be a party in interest.

General laws of state relative to municipalities, etc., to apply, except otherwise provided herein.

SECTION 3. The general laws of the state for government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads

and bridges, the punishment of offenders, the collection of penalties and the manner of conducting elections shall be enforced under the provisions of this act, except as otherwise herein provided.

SECTION 4. The general laws of the state of Wisconsin, for the punishment of bribery, misdemeanors and corruption in office, shall be enforced and apply to all officers elected or appointed under the provisions of this act.

General laws of state relative to bribery and misconduct in office to apply.

SECTION 5. No city official shall be interested, directly or indirectly, in any contract to which the city is a party, and whenever it shall appear that such is the case, such contract shall be absolutely void, and the city incur no liability thereon whatever. No city officer shall be accepted as surety on any bond, contract or other obligation made to the city.

City official not to be interested in city contract nor shall be surety on official bond.

SECTION 6. The city shall have power to appropriate money, not to exceed the sum of three hundred dollars, annually to be used by the mayor as a contingent fund.

Mayor's contingent fund.

SECTION 7. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, as far as the same are applicable, shall be as legal and of the same force and effect as the use of the forms prescribed by this act.

Forms.

SECTION 8. When judgment is rendered against any person for the violation of any city ordinance, and such person shall be committed for the non-payment thereof, all subsequent costs and expenses made thereon, including his board, shall be added thereto, which he shall be required to pay in case of payment of said judgment.

Judgments for violations of city ordinance; subsequent costs to be added thereto

SECTION 9. The keeper of the common jail of the county of Winnebago, is hereby required to receive and keep all persons who shall be arrested by the proper officers for the violation of any city ordinance, or committed for the non-payment of any judgment, fine or penalty, and to discharge said persons when ordered in writing, by the mayor of the city of Oshkosh.

City to have use of Winnebago county jail.

SECTION 10. All that part of the Fox river within the limits of said city shall be kept under the exclusive jurisdiction of said city and the common council, and all bridges over the said river within the limits aforesaid shall be under its jurisdiction; and the mayor and common council of said city are hereby empowered to

Fox river within city limits to be under jurisdiction of city.

build and construct or cause to be built and constructed new bridges over said river, at such point or points as they may deem necessary, and for the best interest of the city, and to maintain and support all such bridges which the city may own now or may build hereafter, at the expense of said city, provided, that all said bridges shall contain draws sufficient for the passage of vessels.

Chief of police.

SECTION 11 The chief of police shall be known as such, and he shall have command of the police force of the city under the direction of the mayor.

City attorneys opinions to be filed and recorded.

SECTION 12. The opinions of the city attorney shall be filed with the city clerk and recorded in a book to be kept for that purpose.

Ordinance book.

SECTION 13. The city clerk shall keep a book to be known as an "Ordinance Book," in which he shall enter at length, in a plain and distinct hand writing, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage. and page of journal containing the record of the final vote upon its passage and also the name of the newspaper in which said ordinance was published, and the date of such publication, together with proofs of publication; the ordinance may be approved by the certificate of the clerk, under the seal of the city, and when printed or published in pamphlet form and purporting to be published by the authority of the city, shall be read and received in all courts and places as evidence of their adoption.

Salaries.

SECTION 14. No compensation or salary shall be paid to the mayor or to any alderman, school commissioner, park commissioner or member of cemetery board except as herein provided.

Policemen and firemen during fire may enter building where powder or explosives are kept.

SECTION 15. Any member of the police force or fire department of the city under the direction of the chief of either of said departments may enter any building or upon any premises in said city where powder or dangerous explosives are supposed to be kept for the purpose of examination, without liability therefor.

Where charter fails to prescribe duties of officer, provisions of revised statutes to control.

SECTION 16. In case of failure to prescribe the duties of any officer elected or appointed under the provisions of this act, the provisions of the revised statutes and acts amendatory thereof so

far as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

Rewards for the apprehension of criminals.

SECTION 17. When heinous offense or crime has been committed against life or property within the city, the mayor with the consent of the majority of the aldermen, may offer a reward for the apprehension of such criminal, or perpetrator of such offense.

Fines, etc., to be paid into city treasury.

SECTION 18. All fines, forfeitures and penalties recovered for the violation of any ordinance, rule, regulation, resolution or by-law of the city, and all moneys paid for licenses and permits, shall be paid into the city treasury for the use of the city.

Improvement bonds for sewers and streets.

SECTION 19. The city shall have authority to exercise all powers contained in this act relating to the issuing of improvement bonds to pay for special assessments made on account of the construction of sewers or improvements to streets.

Judgments in favor of city not to be remitted or discharged, except by majority vote of aldermen.

SECTION 20. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of a majority of the aldermen.

Actions to recover penalties, etc., to be brought in name of city.

SECTION 21. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-laws or ordinances under which the penalty or forfeiture is claimed and to give special matter in evidence under it.

First process to be summons, unless oath be made for warrant.

SECTION 22. In all the prosecutions for any violation of any of the provisions of this act, or any by-laws or ordinances, the first process shall be a summons, unless oath be made for a warrant as in other cases.

Form of complaint.

SECTION 23. When the action is commenced by summons the complaint may be substantially in the following form:

City of Oshkosh, }
against } In justice court.
..... }

The plaintiff complains of the defendant in an action of debt for that the defendant did, on the ..... day of ....., ..., violate section ....,

of an ordinance (or by-law, describing it by its title) which said action hath accrued to the city of Oshkosh, to recover of the defendant the sum of .... dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 24. In all cases where oath is made for a warrant the complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary, which complaint last above named may be substantially in the following form:

The city of Oshkosh, against ..... } In justice court.

State of Wisconsin, County of Winnebago. } ss.

....., being duly sworn, complains on oath to ....., justice of the peace of the city of Oshkosh, that ..... did on the .... day of ....., ..., violate section ....., of an ordinance (or by-law, describing its title) which said..... is now in force and effect as this complainant verily believes, and prays that said .... may be arrested and held to answer to said city of Oshkosh therefor.

Subscribed and sworn to before me this .... day of ....., ...

It shall be sufficient to give the number of the section or sections, and the title of the ordinance or by-laws, or the law violated in the foregoing forms of the complaints, and the said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant thereon, which may be substantially as follows:

Form of warrant.

State of Wisconsin, County of Winnebago, City of Oshkosh. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the chief of police or any policeman of the city of Oshkosh, greeting:

Whereas, ... has this day complained to me in writing on oath that ..... did on the ..... day of ....., ..., violate, ... section or sections of (ordinance, by-

laws, regulation or law as the case may be, describing it by its title) which is now in full force and effect, as complainant verily believes. Therefore, in the name of the state of Wisconsin, you are commanded to arrest the body of said ....., and bring him before me forthwith, to answer to the said city of Oshkosh, on its complaint aforesaid.

Given under my hand, this ..... day of ....., ...

.....,
Justice of the Peace.

Proceedings on return of warrant.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court for his or her appearance in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the jail of said city or the common jail of Winnebago county. The complaint made as aforesaid shall be the only complaint required, and a plea of "not guilty," shall put in issue all subject matter embraced in this action.

Witnesses and jurors to attend without payment of fees in advance.

SECTION 25. Witnesses and jurors shall attend before a justice of the peace in all city suits without the payment of fees in advance, or a tender thereof, upon process of the court, duly served, and in default thereof, their attendance may be compelled by attachment.

Judgments on findings of court or jury.

SECTION 26. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and the costs of suit; but if not guilty, the costs shall be taxed against the city. Upon conviction and the non-payment of such judgment, the court may forthwith issue an execution as in case of tort, and shall determine and enter upon the docket the length of the time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the com-

mitment or execution. Such execution may be in the following form:

Form of execution.

State of Wisconsin, }
County of Winnebago, } ss.
City of Oshkosh. }

The state of Wisconsin, to the sheriff or any constable of the county of Winnebago, or the chief of police, or any policeman of said city, and to the keeper of the jail of said city, or of the common jail in said county, greeting:

Whereas, the city of Oshkosh, on the .... day of ....., recovered judgment before ....., a justice of the peace of said city, against ....., for the sum of ..... dollars, together with ..... dollars, costs of suit, for the violation of (an ordinance, by-law, resolution or law, as the case may be), these are therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of said ....., excepting such as the law exempts, and make sale thereof according to law, in such cases made and provided, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of said ....., and him convey and deliver to the keeper of the common jail in Winnebago county, or the keeper of said jail in said city, and the said keeper is hereby commanded to receive and keep in custody in said jail the said ....., for the term of ...., unless said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this .... day of ...., 18..

.....,
Justice of the Peace.

Ordinances, etc., now in force not inconsistent with this act to remain in force.

SECTION 27. All ordinances, regulations or resolutions now in force in the city of Oshkosh, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Actions for penalties to be prosecuted by city.

SECTION 28. All actions, rights, fines, penalties and forfeitures in suit or otherwise, which have

accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Election not held at time herein prescribed may be held at such other time as council may designate.

SECTION 29. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or dissolving said corporation; but such election or organization may be had at any subsequent day, by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time and the same are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

Penalty for interfering with public officer in discharge of duty, and for retarding progress of public work.

SECTION 30. Every person who shall interfere with, molest or hinder any street commissioner, contractor, or other city employe in the discharge of his duty, or interfere with or retard any public work, after the same is let or under contract, shall be liable to pay a penalty of ten dollars which shall be sued for and recovered with costs, of such person violating this section, in an action wherein the city shall be plaintiff, in the same manner as for the violation of city ordinances.

Property of inhabitant not liable for debts of city; no person or corporation liable as garnishee of city.

SECTION 31. No real or personal property of any inhabitant of said city, or of any individual or corporation thereof, shall be levied on and sold by virtue of an attachment or execution issued to satisfy or collect any debt, obligation or contract of said city; nor shall any person or corporation be held liable as garnishee of said city.

Surveys of lines and boundaries of streets, alleys, sidewalks, etc.

SECTION 32. The common council of said city, may at any time, cause the board of public works, assisted by the city surveyor and such other assistants as the council may appoint, to make a new and accurate survey of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and shall cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the mayor and said board, which shall be filed in the office of the city clerk, and a

copy thereof shall be recorded in the office of the register of deeds of Winnebago county.

Survey and land marks so established prima facie evidence of lines and boundaries.

SECTION 33. The survey and land marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy, in all courts of this state.

City may lease and purchase necessary real estate and personal property; same exempt from taxation.

SECTION 34. The said city may lease, purchase and hold real estate or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and they shall be free from taxation while owned by the city.

Property exempt from taxation generally liable to special assessments for improvements.

SECTION 35. All real estate within the limits of the city of Oshkosh exempt from taxation by the laws of this state shall be liable for all special improvement taxes and subject to assessments therefor the same as other property. Such taxes shall be collected as provided in this act for the collection of special improvement taxes.

General law contravening this shall not repeal, modify or annul same unless so expressed.

SECTION 36. No general law of this state, contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law as an amendment of this charter.

Platting of land into city lots; duty of owners.

SECTION 37. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Oshkosh, who may desire to subdivide or plat such lot or tract of land into city lots, shall in platting the same, cause the streets and alleys in such plat to correspond in width and in general direction with the streets and alleys through the lots and blocks in said city, adjacent to said lot or tract of land so platted and before recording such plat, as required by law, it shall be the duty of such person or persons making such plat, to submit the same to the common council of said city, for approval, and if said plat shall be approved by the common council, it shall be lawful for the party or parties making such plat to record the same in the manner prescribed by the revised statutes of this state concerning town plats; but except such plat shall be approved, by resolution adopted by said common council, a copy of which duly certified to by the city clerk, shall

be affixed to said plat, it shall not be lawful for the register of deeds of Winnebago county to receive such plat for record, and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars and not more than one thousand dollars; and the register of deeds who shall record said plat, without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty dollars nor more than one hundred dollars.

Real estate owned by city, how leased or sold.

SECTION 38. The mayor and city clerk of said city are hereby authorized, when the common council shall (by ordinance or resolution for that purpose, describing the real estate and interest to be conveyed) order and direct them to do so, to execute a deed or lease of such real estate or interest therein belonging to the said city, and the said deed or lease shall be signed by the mayor and city clerk, sealed with the corporate seal of said city, duly witnessed and acknowledged, as is provided by law for the execution of deeds and leases; provided, that all leases shall be countersigned by the comptroller.

Copy of resolution directing lease or sale to be attached to conveyance.

SECTION 39. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached and recorded, shall be in all courts of this state, *prima facie* evidence of the authority of such mayor to make and execute such deed or lease.

Penalty for keeping gambling house, house of ill-fame, etc., and of being frequenter or inmate thereof.

SECTION 40. Every person who shall set up or keep a common gaming house, or a gambling house or place, or a house of ill-fame, or a bawdy house or place, and every person or persons, inmates thereof or found therein, within the limits of the city of Oshkosh, and on trial and conviction to be adjudged guilty, in an action wherein the city shall be plaintiff, in the same manner as for violation of city ordinances hereinbefore provided, shall be punished by imprisonment in the city jail or county jail of Winnebago county, not to exceed six months, or by a fine not to exceed one hundred dollars, or by both such fine and imprisonment as the justice of the peace of the city or

court before whom the trial is had may think proper; and on trial of persons for the violation of this section, proof of the general reputation of the house kept shall be sufficient *prima facie* evidence of the fame and kind of place or house kept.

Pavements and crosswalks not to be removed or disturbed without permit from board of public works.

SECTION 41. No person shall take up any pavement or remove any side or cross walk, except to repair or rebuild such side or cross walk, without first having obtained a permit therefor from the board of public works, and every person violating the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, which fine shall be sued for and recovered, with costs, of such person, in an action wherein the city shall be plaintiff, in the same manner as for the violation of city ordinances.

Fire insurance companies to pay to city two per cent. of premiums received.

SECTION 42. All corporations, companies and associations not incorporated under the laws of this state, engaged in this city in effecting fire insurance, shall pay to the city treasurer at the rate of two *per cent.* upon the amount of all premiums which shall have been received or shall have been agreed to be paid for by insurance effected or agreed to be effected on any property within the city limits, by or with such corporations, companies or associations respectively. Such amount shall be paid for every six months preceding the first days of January and July of each year.

Account to be annually rendered to comptroller by agent, of amount of premiums received.

SECTION 43. Every person who shall act as agent or otherwise, for or on behalf of any such corporation, company or association, on or before the first day of January in each year, shall render to the comptroller of said city, a full, true and just account, verified by oath, of the premiums, which during the half year (ending on the last day of December and June preceding such report) shall have been received by him, or any other person for him, or shall have been agreed to be paid for or in behalf of any such corporation, company or association, and shall file a copy of such report with the city clerk.

Payment of percentage into treasury.

SECTION 44. Upon the report of any such agent or person mentioned in the preceding section the comptroller shall immediately assess and adjust the whole amount of the percentage chargeable

against such corporation, company or association, and within five days thereafter such agent or person shall pay into the treasury of said city the amount so assessed and adjusted. The treasurer shall report all such payments to the comptroller who shall notify the city clerk thereof.

Penalty for failure to file report or pay rates.

SECTION 45. If any agent, representing any such corporation, company or association, against which insurance rates are chargeable by virtue of this act, shall refuse to make report, or pay the rates prescribed by this chapter, at the time or times herein mentioned, such corporation, company or association so in default, and the agent thereof, shall be deprived from doing or transacting any business of insurance in said city until the said requisition shall have been complied with. Any person or agent violating any of the provisions of this chapter shall be liable to a penalty of not less than ten and not more than one hundred dollars in the discretion of the court before whom conviction is had; said percentage may also be recovered of said corporation, company or association or its agent, by action in the name, and for the use of said city, as for money had and received.

Insurance percentage to be used for benefit of general fund.

SECTION 46. The insurance percentage so received as provided by this chapter, shall be used for the benefit of the general fund of said city.

Tax omitted may be included in subsequent tax roll.

SECTION 47. If for any cause any tax or assessment chargeable to any lot under the provisions of this act, shall not be entered or assessed against such lot at the time therein provided, then the city clerk may enter or assess the same against such lot in any subsequent tax roll. All taxes assessed against personal property in the city of Oshkosh shall be a lien upon the personal property of the person, firm or corporation assessed, from the time of the assessment thereof until the same is paid, and in case of attempted removal of personal property assessed, at any time after the assessment is made, the city may seize and hold such personal property, or so much thereof as shall be necessary to satisfy the tax levied or to be levied upon such assessment, until the tax is paid or a bond given to pay such tax.

SECTION 48. No debt shall be contracted against the city, or certificate of indebtedness be drawn upon the city treasury, unless the same shall be

Majority vote of all members of council requisite to charge city with indebtedness, vote to be by ayes and noes and recorded.

authorized by a majority of all the members of the common council, the board of education or board of public parks, and a vote authorizing the same shall be entered by ayes and nays upon the journal of said board or of the common council, and no money shall be appropriated or debt contracted for any purpose whatever, except such as is expressly authorized by this act.

Funds in treasury April 1st, 1891, to be considered as raised under provisions of this act.

SECTION 49. All moneys in the city treasury as shown by the different funds on the first day of April, 1891, shall be treated as though raised under the provisions of this act for the benefit of such funds, except the money in the general fund. The common council shall by resolution or ordinance before the third Tuesday in April, 1891, appropriate the money in the general fund as it may deem expedient, and when so appropriated the same shall be treated as though raised under the provisions of this act for the benefit of the funds to which it is appropriated. All overdrafts of funds as shown April 1, 1891, shall be deemed an expenditure on account of that fund for the year following.

Persons at fire refusing to obey lawful order of officer may be arrested.

SECTION 50. Whenever any person shall refuse to obey any lawful order of the chief engineer, the mayor, any alderman, chief of police, or any policeman at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally any policeman, constable or any citizen to arrest any such person and to confine him temporarily in the city jail or any safe place until such fire shall be extinguished, and in the same manner such officer or any of them may arrest or direct the arrest and confinement of any person at such fire who may be intoxicated or disorderly, and if any person shall refuse to arrest or aid in arresting any person who shall be intoxicated or disorderly, he shall be liable to such penalty as the common council shall prescribe, not exceeding twenty dollars.

Resolution of council levying tax shall specify amount for each separate purpose.

SECTION 51. The resolution of the common council levying taxes in each year shall specify the amount to be raised for each separate purpose. The common council shall by resolution, at the same time direct that all moneys so raised for a specific purpose, shall be set apart for the purpose for which the same was raised, and all moneys so set apart, shall not be appropriated

for any other purpose except as in this act otherwise provided.

SECTION 52. The city shall not be liable for any damage arising or growing out of any sidewalks, streets, drains, sewers, gutters or ditches or bridges in said city, being in a defective or dangerous condition or out of repair, unless it be shown that previous to the happening of the same one of the members of the board of public works had knowledge thereof, and no knowledge of such condition of the same shall be presumed unless the defect out of which the same occurred existed thirty days before such damages accrued; provided, however, that nothing herein contained shall be so construed as to mean that knowledge is to be presumed because such thirty days had elapsed.

Injuries to persons from defective sidewalks, streets, drains, etc., city not liable unless board of public works had knowledge of defect.

SECTION 53. The common council, by resolution, may forbid any and all persons in said city, who are or may be licensed to sell strong, spirituous, ardent or intoxicating liquors, from selling or giving to any person, naming him, who in the opinion of the council is drinking or using spirituous, ardent or intoxicating liquors to such excess as to make or render such person disorderly or liable to be disorderly; and if any person licensed as aforesaid, shall sell or give to any such person any strong, ardent or spirituous liquors or allow any other person or persons on his premises to sell or give such person, or any other person for him, any spirituous, ardent or intoxicating liquors of any kind whatever, the council may declare the license of such person forfeited and such person or any other person who shall give, sell, buy or procure for such person any strong, ardent or spirituous liquors or beer, shall be liable to a penalty of twenty-five dollars, which shall be sued for and recovered, with costs, of such person violating this section, in an action wherein the city shall be plaintiff, in the same manner as for the violation of city ordinances hereinbefore provided in this chapter.

Council may forbid sale of liquor to person when such person uses liquor, to excess.

SECTION 54. The general laws for the preservation of bridges, and the punishment by such laws provided for the willful and malicious injuries done thereto, are hereby extended to, and shall include all of said bridges, and shall apply to any

General laws relating to preservation of bridges shall apply to bridges in city.

willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges, by any vessel or watercraft, or by the master or any person in command thereof, such vessel or watercraft may be proceeded against under the law to provide for the collection of demands against boats or vessels.

REPEALING CLAUSE.

All former charters repealed; contracts, etc., under old charters not to be effected.

SECTION 1. All acts incorporating the city of Oshkosh, and amendatory to the city charter. are hereby repealed; and all acts and parts of acts inconsistent with and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said acts or any of them, but the same shall exist and be in force, and carried out as fully and effectually to all intents and purposes as if this act had not been passed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

No. 78, S.] [Published March 24, 1891.

CHAPTER 60.

AN ACT to amend chapter 21 of the laws of 1882, entitled "An act to incorporate the city of Baraboo," and of the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby added to sub-chapter 1, of said chapter 21, laws of 1882, the following sections, to-wit: Amends chap. 21, laws of 1882.

Section 3. Any territory lying adjacent to the city may be annexed to the city in the manner following, to-wit: Whenever three-fourths of the electors and at least one-third of the owners of the taxable property, according to the last tax roll in the territory adjacent to the city, which asks to be annexed, shall present a petition to the common council of the city asking for annexation thereto, provided, that if no electors reside therein, the petition must be signed by at least three-fourths of the owners of the taxable property desired to be annexed, before the common council shall have power to act thereon. Territory how may be annexed to city.

Section 4. At any regular meeting of the common council after filing of said petition with their city clerk, an ordinance may be introduced providing for the annexation of such adjacent territory. Final action on said ordinance shall not be taken except at a regular meeting of the council and not earlier than thirty days after the same is introduced; and in the meantime the same shall be published at least once in each week for four successive weeks in the official newspaper of the city. When ordinance may be introduced for such annexation; publication of ordinance.

Section 5. A vote of two-thirds of all the members of said council in favor of said ordinance taken by ayes and noes recorded shall be necessary for its adoption. Two-thirds vote necessary to adopt such ordinance.

Section 6. The adoption of said ordinance shall operate to annex such territory to said city, and to the ward or wards designated therein. The common council are hereby authorized to redis- Annexation proceedings not to be inquired into collaterally.

trict the city into wards and make by ordinance any changes which to them may seem proper. The validity of the proceedings annexing such territory shall not be called in question collaterally in any of the courts of this state; nor shall the validity of any such proceedings be called in question in any other manner in the courts of this state, unless the action or proceedings therefor be commenced within ninety days after such ordinance is adopted.

Amends chapter 21, laws of 1882.

Construction of sewers and drains.

SECTION 2. Sub-chapter 2, of chapter 21, of said laws, is hereby amended by adding thereto the following: Section 6a. It shall be lawful for the common council to cause sewers and drains to be made in any part of the city and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore or hereafter constructed within the city, and the committee on sewers are authorized to make or cause to be made estimates of the costs and expenses thereof, and to make a just and equitable apportionment of such cost and expense among the owners of all lots abutting upon such sewer, and which are intended to be benefited thereby in proportion, all things considered, as nearly as may be to the advantage which each shall be deemed to acquire by the construction, repair or alteration of the same.

Amend chapter 21, laws of 1882, as amended.

Costs and expenses of surveying streets, alleys, etc., and of opening, grading, paving streets and alleys, and making and repairing sewers, how paid.

SECTION 3. Section 7, of sub-chapter 2 of said chapter 21 of the laws of 1882, as amended by section 8, of chapter 13 of the laws of 1889, is hereby amended so as to read as follows: Section 7. The costs and expenses of surveying streets, alleys, sewers and gutters and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city; the costs and expenses of opening, grading, graveling, planking or paving streets and alleys or the making and repairing of sewers may be wholly or partly charged against the lots or land fronting on such street, alley or sewer; so that such lot or parcel of land shall pay for the work between the front of each lot or parcel of land and to the center of such street, alley or sewer or such portion thereof as the common council may determine. Provided, that in constructing or repairing sewers the expense may, in the discretion of the common coun-

cil, be charged against the lots of land fronting or abutting on either side of such sewer, except corner lots which shall be assessed therefor as follows: Corner lots not subdivided in ownership and subdivision of corner lots constituting the actual corner or corner lots subdivided in ownership, shall be entitled to a deduction in making such assessment of one-third from the aggregate of the street lines of such corner lots or corner subdivisions thereof, on all the streets in front thereof; such deduction to be made in the amount of the longest street line of such corner lots or corner subdivision thereof, or in case of equal street lines thereof in the assessment for the second sewer to which they are liable, provided, however, that when the actual cost of any sewer shall be less than one dollar per lineal foot for the entire line or section of sewer, then in that case the assessment shall be for the actual cost of such sewer per lineal foot, one-half to be chargeable against the property fronting or abutting thereon on each side thereof, the cost of constructing manholes to be paid for as a part of the line of the sewer on each line or section, and assessed as a part of the line; the cost of constructing catchbasins and overflow pipes for catchbasins shall be borne by the city, and the cost of constructing sewers across streets and alleys at the same rate per lineal foot as in front of lots abutting on such street on which such sewer is constructed, shall be borne by the city. Whenever any lot which, as originally platted, fronts or abuts on any sewer is subdivided and the subdivisions thereof are owned by different persons, no subdivisions of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer shall be assessed for the cost of such sewer unless otherwise determined by the common council by reason of benefits. The cost and expenses of constructing or repairing sewers may be assessed against the owners of lots or lands fronting or abutting on such sewer, and be paid by special tax of one dollar per lineal foot, one-half to be paid by the owners of lots or lands on each side of such sewers, the number of feet for each owner to be ascertained

in the manner above set forth. Or the common council may in its discretion and as it may seem just order the whole of said improvement in some localities or any part of the same to be constructed at the expense of the city and paid out of the general fund; for the purpose of making any improvement mentioned in this section, the common council may assess taxes upon the taxable property of said city or issue bonds of said city; provided, that no such bonds shall be issued until authorized by a vote of the majority of the electors voting on that question at an election at which at least ten days' previous notice of the intention to submit such question has been given by at least two publications in the official paper of the city; provided, further, that the amount of taxes levied in said city for all purposes shall not exceed two and one half *per centum* of the assessed valuation in any one year. In all cases where the whole or any part of the cost of such improvements are charged upon the lots benefited, all such improvements across streets, alleys and public grounds belonging to the city, shall be made and paid for by the city in proportion to the width of the street, alley or public ground. Lots and land shall be liable as in this chapter for the improvement of streets to the center of the street on which they abut or adjoin, and corner lots for all sidewalks up to the crossings or cross walks.

How assessment of benefits to lot subdivided in ownership apportioned between owners.

SECTION 4. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of benefits accruing to it by a system of sewerage shall have been made, and before such system shall have been fully carried out and extended to such lots assessed and the assessment on such work paid, any party interested may give notice to the common council of such subdivision, and in such case or when the said council shall in any way become cognizant of the fact of such subdivision, it may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; if by the neglect of the owners of the lots so divided, no such apportionment shall be made, then the entire lot shall be liable for the entire tax.

SECTION 5. No private sewer or drain shall be connected with any public sewer of the city here-

tofore or hereafter constructed without first obtaining a permit from the common council for such connection; and the common council is hereby authorized to charge such sum as to them may seem just and equitable in part payment of the expense to which the city has been put or may hereafter be put in constructing the main sewers, and in case such amount is not paid it shall be a lien upon such lot or parcel of a lot, and collected as the other special assessments.

Private sewers or drains not to be connected with main sewer without permit.

SECTION 6 Whenever the common council shall order the paving or repairing of any street in the city in which water, gas mains and sewers or either of them shall have been previously laid and constructed, they may also, by resolution, require the committee on sewers or water as the case may be, to cause water or gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street from the main sewer, water and gas mains in such street to the curb line on either side of the street at intervals not less than twenty feet along the whole length of such paved street, except at street and alley crossing; and the said committees shall thereupon give notice to the owners or occupants of the property adjoining such paved street by publication thereof for six days for at least one publication of said notice in the official paper requiring them to do such work opposite their respective lots according to a plan and specifications to be before prepared and on file in the office of the city clerk, showing the location and size, and the kind and quality of material of such lateral sewers or drains and water and gas service pipes, and if such owners or occupants shall refuse or neglect to do the same before the paving or preparing of said street so ordered, and within ten days after the publication of such notice, the said committees may procure the same to be done, and charge and assess the expense thereof to the lots or parts of lots fronting upon such work in the manner provided in and by section 7, of sub-chapter 2, of chapter 21, of the laws of 1882, as herein amended; and the same shall be levied and collected as other special assessments are levied and collected in the city; provided, that no street shall be paved or repaved by the order of the common council unless

Water and gas service pipes and house drains may be required to be laid by owners of property, when.

the water and gas mains and service pipes and necessary sewers and their connections, shall as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved.

Same.

SECTION 7. It shall be the duty of said committees to see that proper drains and sewers are constructed from every lot in said city which in their judgment requires it, and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and the common council shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

Owner of vacant lot not compelled to make sewer connections.

SECTION 8. No person is required to make connection until building; and no person shall break open or make connection with any public sewer except by the consent of the common council and under the direction of the committee on sewers, and any person who shall do so or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in the city or willfully injure any of the materials employed or used in said city for the purpose of sewerage shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars or imprisoned in the county jail not to exceed three months.

Contractor under direction of committee on sewers may lay sewers through streets, alleys, highways, breakwaters, etc.

SECTION 9. Any contractor or other person acting under the direction of the committee on sewers may lay sewers in and through any alleys and streets or said city, and through any breakwater into any lake, pond or river, and also in any highway of the county whether within the limits of the city or not, provided it shall be the duty of such contractor or other person to repair such streets, alleys, breakwaters and highways, and to restore the same to the former condition upon the completion of such sewers.

Payment for work may be made in improvement bonds or cash.

SECTION 10. When the common council determine upon doing any work specified herein chargeable to the abutting real estate, it may provide that the amounts so chargeable may be paid with the certificates against the lots or in improvement bonds, or that the payment may be partly made in certificates and part in cash or improvement bonds or both.

SECTION 11. As soon as the amount chargeable to the abutting real estate is formally determined, the council may cause a notice to be published, in the official paper, substantially in the following form:

City improvement notice; form of.

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvement and street) and that the expense of said improvement chargeable to the abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk within thirty days after the date thereof, a written notice that they elect to pay the special assessments on their property, describing the same on presentation of the certificates.

SECTION 12. After the expiration of said thirty days the council may issue improvement bonds covering all of the assessments except such as the owners have filed motions of election to pay stated in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city and contain such recitals as may be necessary to show that they are chargeable to particular property, and the number and amount of said bonds.

Improvement bonds, when may be issued.

SECTION 13. Such bonds shall be semi-annual interest coupon bonds payable at the option of the city after five and absolutely at the expiration of seven years from their date, and shall draw interest at a rate not exceeding six *per cent.* per annum.

Form and conditions of bonds.

SECTION 14. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same together with a copy of said bonds in his office.

Statement of special assessments.

SECTION 15. The city treasurer shall pay the interest on and principal of said bonds as the same become due and charge the amount to the proper fund.

Treasurer to pay interest and principal on bonds.

One-fifth of special assessment to be collected each year.

SECTION 16. In each year after the issuing of said bonds, when the tax roll of the year is prepared, one-fifth of the special assessment on each parcel of property covered by said bonds, with six *per cent.* interest on the amount of said special assessment therein specified, shall be entered in the tax roll as a special tax on said property and thereafter the tax shall be treated in all respects as any other city tax, and when collected the same shall be credited to the fund against which payments on said bonds are chargeable.

Actions not to be maintained after bonds issued to avoid special assessment.

SECTION 17. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same after bonds have been issued covering such special assessments and said bonds shall be conclusive proof of all the proceedings on which the same are based.

Estimates of expense of public improvements to be made.

SECTION 18. Whenever the council shall determine to make any public improvement as authorized by the charter, it shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk for the inspection of the parties interested, before such work shall be ordered to be done The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable in whole or in part as aforesaid, all bids for doing the same to be approved by the council; and said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as it shall direct; such contract when approved by the council, to be executed on the part of the city by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days by two consecutive publications in the official paper of the city.

When assessment for extraordinary cutting or filling may be fixed by jury.

SECTION 19. Whenever the general interests of the city require deep cutting or extraordinary filling in any street and the owners of the lots fronting on such deep cutting or filling shall deem themselves aggrieved by the assessment made against them for any improvement, and shall represent to the council in writing, that the expenses of such excavation or filling or other improvement will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the city marshal to summon five freeholders, not residents of the ward, not interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable upon said premises and to such lots or parcels of land respectively; and what lots or parcels of land on the streets or alleys so to be improved will be benefited by such excavation or filling or other improvements sought to be made and how much or what portion shall be chargeable to them, and make report in writing as soon as practicable to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned shall be assessed upon and collected from the same, in the same manner as herein provided for the collection of special taxes for other improvements and the remainder shall be paid by the city or assessed upon lots benefited by such improvement in proportion to their respective benefit as may appear just and equitable to said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected; provided, that said jury find that said petitioners were not entitled to any division of the expense so assessed upon the lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners; and the common council may require a bond for the payment of the

same for the filing of the petition; provided, also, that the petition of no owner feeling himself aggrieved shall be received, unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done; and, provided further, that when it shall appear to the council that any such lands belong to non-residents, infants or persons under legal disability, who shall not be represented by any agent or guardiàn, or not be benefited by the making of streets in front of such lots or lands to the amount of the cost and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

Council may borrow money to pay ordinary expenses of city.

SECTION 20. The common council may borrow money to pay the ordinary expenses of the city not exceeding twenty *per cent.* of the tax levy for the same purpose the preceding year. Certificates of indebtedness may be issued therefor, signed by the mayor and clerk bearing interest not exceeding the legal rate *per annum*, and payable not later than the fifteenth day of January after the same are issued; provided, however, that no such loan shall be made unless authorized by a vote of at least three-fourths of all the members of the common council at a regular meeting thereof.

Depository for city funds.

SECTION 21. The council may designate by resolution the bank or banks where the money belonging to the city shall be deposited and the security to be approved by the mayor and common council by a two thirds vote, to be given by such bank or banks, and when the money is so deposited the treasurer and his bondsmen shall not be liable for the loss of such money by reason of the failure of such bank or banks, and the common council may contract with any such bank or banks receiving the city deposits for the payment of interest thereon.

Amends chap. 21, laws of 1882.

Collection of taxes.

SECTION 22. Section 14 of sub-chapter 9 of said chapter 21, laws of 1882, is hereby amended so as to read as follows: Section 14. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as other-

wise provided in this act; the city treasurer shall receive one *per cent.* fees upon all taxes paid to him before the tenth day of January; and three *per cent.* fees upon all taxes paid or collected after that time; provided, however, that the common council may by resolution or ordinance fix a stated salary as compensation for his services as treasurer, in which case the fees collected shall belong to and be paid into the city treasury; and provided further, that the said resolution or ordinance, in order to be of any force, must be passed by the common council prior to the nomination of the treasurer who shall afterwards be elected and qualified.

Sewer work to be done under supervision of committee on sewers.

SECTION 23. All work provided for in this chapter in building, repairing and altering sewers, shall be done under the supervision of the committee on sewers, and shall be approved by them before it shall be accepted by the common council.

Amends chapter 21, laws of 1882.

SECTION 24. Section 3, of sub-chapter 4, of said chapter 21, laws of 1882, is hereby amended by adding thereto the following sub-divisions of said section, to-wit: 31. To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city in a summary manner. 32. To compel the owners and occupants of all houses, stores and other buildings, to number the same in such manner as the common council may from time to time determine.

Abatement and removal of nuisances and numbering of houses.

Amends chapter 21, laws of 1882.

SECTION 25. Section 34, of sub chapter 12, of chapter 21, laws of 1882, is hereby amended by adding thereto, committees on sewers, health, water and city buildings; so that said section shall read as follows: Section 34. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department and city buildings, licenses, sewers, health and water, and shall be appointed by the mayor at the first meeting after the annual election, or as soon thereafter as convenient.

Committees.

Mayor chief of police; duties.

SECTION 26. The mayor shall be the chief executive officer and head of the police of the city, and head of the fire department, and shall, when present, preside over all meetings of the common council, and shall see that the laws of the state and ordinances of the city are duly enforced and

observed within the corporate limits of the city, and that all officers of the city discharge their respective duties. He shall communicate to the common council in writing, from time to time, such information as he shall deem necessary, or which the common council may require. He shall have power to administer oaths or affirmations, and in case of a riot or public disturbance he may appoint as many special or temporary constables as he may deem proper. He shall have a vote in the common council only in case of a tie, and in the election of officers. Any ordinance, resolution or appropriation which shall have been duly passed by the common council shall be in force unless disapproved by the mayor, who shall state his objections thereto in writing to the common council at its next regular meeting. The council shall thereupon re-consider the vote passing such ordinance, resolution or appropriation, and if, after such re-consideration, two-thirds of all the aldermen elected to such council shall vote for the passage of such ordinance, resolution or appropriation, the same shall be in force; otherwise it shall be null and void. All such votes on the passage of any such ordinance, resolution or appropriation, after the objections of the mayor are read, shall be taken by yeas and nays and entered upon the journal of the council.

Repealing section.

SECTION 27. All acts and parts of acts conflicting with the foregoing amendments are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1891.

No. 121, S.] [Published March 28, 1891.

CHAPTER 62.

AN ACT to revise and amend an act entitled "An act to incorporate the city of Two Rivers, Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

CHAPTER I.

SECTION 1. The district of country in the county of Manitowoc, contained within the limits and boundaries hereinafter described, shall be designated the city of Two Rivers, and the people inhabiting said district of country shall constitute a municipal corporation, the name of which shall also be the city of Two Rivers. Said corporation shall have the general powers usually possessed by municipal corporations at common law and given by the statutes of this state, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts; and receive by bequest, gift, grant and devise, and may purchase real and personal estate and hold and convey the same as its purposes may require; shall have a common seal and may change and alter it at pleasure. The corporate authority of said city shall be vested in a mayor and a board of aldermen, consisting of two aldermen from each ward, who, with the mayor, shall constitute the common council, together with such other officers as are hereinafter mentioned, or may be created under this act. The territory lying in the county of Manitowoc, and being all of section one in township nineteen north, of range twenty-four east, all of the south half of section thirty-six in township twenty north, of range twenty-four east, and the west half of the southwest quarter of section thirty-one

City of Two Rivers.

Boundaries.

in township twenty north, of range twenty-five east, shall comprise the territory and limits of the city of Two Rivers.

Wards and their boundaries.

SECTION 2. The city shall be divided into three wards, as follows: The First ward shall be all that portion of said city embraced within the limits of said city lying east of Jefferson street and north of the West river, extending on the present line of said Jefferson street to the north boundary of said city. The Second ward shall be all that portion of said city embraced within the limits of said city lying north of said West river and between said West river and the said Jefferson street, extending as aforesaid to the north boundary of said city. The Third ward shall be all that portion of said city embraced within the limits of said city, lying west and south of said West river, but the common council shall have power to change said lines of division as they may deem convenient and proper.

First ward.

Second ward.

Third ward.

CHAPTER II.

ELECTIONS.

Annual municipal election.

SECTION 3. The annual election of ward and city officers shall be held on the first Tuesday in April of each year at such place or places within the city limits as the common council shall designate, and the polls of such election shall be kept open from nine o'clock A. M. to five o'clock P. M. Ten days' notice of the time and place of such election shall be given by the city clerk by publication in the official paper of the city, and by posting a written or printed notice of the same in a conspicuous place in each ward; provided, however, a failure to give such notice shall in no way invalidate such election. Said notice shall specify the officers to be elected at such election. All elections under this charter shall be conducted in the same manner and governed by the same rules as are the general elections of the state, and the returns thereof be made to the city clerk within twenty-four hours after the closing of the polls, and the qualifications of voters shall be the same as at such general elections.

Each ward officer shall be a qualified elector for the ward in which he is elected, and each city officer shall be a qualified elector in the city. In all municipal elections a plurality of votes shall constitute an election. In case two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as the common council may direct. Within one week after an election the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerks shall thereupon immediately give notice to the persons elected of their election.

Elective officers and their terms of office.

SECTION 4. The officers to be elected by the qualified electors of said city shall be a mayor, treasurer, assessor, police justice, two aldermen for each ward in said city, one of said aldermen from each ward to be designated as alderman supervisor, and shall be entitled to represent his ward in the county board of supervisors, one constable and one justice of the peace for each ward, and at the municipal election to be held April 7, 1891, five school commissioners, one from each ward in said city and two from the city at large. The commissioner from the First ward shall be elected for one year; the commissioner from the Second ward shall be elected for two years; the commissioner for the Third ward shall be elected for three years, and after the expiration of their terms of office, each ward shall elect a commissioner for the term of three years. Of the commissioners to be elected at large at said election of April 7, 1891, one shall be elected for one year and the other for two years, and at each succeeding election, one commissioner at large shall be elected for two years. All other necessary officers shall be appointed by the common council. All elective officers, including supervisors, except justices of the peace, shall, unless otherwise provided by this act, or unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

Resignations and vacancies.

SECTION 5. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council. Whenever a vacancy shall occur in the office of mayor, justice of the peace, or police justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur; any vacancy in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof, for the unexpired term, and with the same rights and subject to the same liabilities, as the person whose office he shall be elected or appointed to fill. Any officer removing from the city, or any alderman or supervisor removing from the ward in which he was elected, or any officer who shall neglect or refuse for ten days after his election or appointment, to qualify, and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

CHAPTER III.

OFFICERS — THEIR POWERS AND DUTIES

Manner of qualifying as officer.

SECTION 6. Every person elected or appointed to any office under this act, except justice of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Two Rivers a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall also

execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace and the police justice shall qualify in the same manner as in towns except that their bonds shall be approved by the common council.

The mayor; his powers and duties.

SECTION 7. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the common council. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of an officer, the mayor shall have a vote the same as an alderman.

President of the council; his powers and duties.

SECTION 8. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his

inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

The city clerk; his powers and duties.

SECTION 9. The clerk shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced; he shall draw and countersign all orders on the treasury in pursuance of any order and resolution of the common council, and keep a full and accurate account thereof in books to be provided for that purpose. He shall perform the same duties upon the board of review of said city, as are or may be required of town clerks by law in relation to boards of review or equalization in towns. He shall file in his office all chattel mortgages, and renewals thereof, with the same effect upon the rights of parties and the validity of such mortgages as is or may be provided by the general laws of this state, in relation to the filing of chattel mortgages in the offices of town clerks, and he shall receive for such service the same compensation as is, or may be provided by law, for town clerks for the same. Whenever the clerk shall be absent from any meeting, the common council shall appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such

appointment in his office, and such deputy in case of absence or disability of the clerk, shall act in his place.

The city treasurer; his powers and duties.

SECTION 10. The city treasurer shall perform all the duties required of him by law and the ordinances of said city, collect all city, county, insurance, school and state taxes and pay over all moneys in his hands belonging to the city according to law. He shall keep an account of all moneys received and of all moneys paid out by him for and in behalf of the city, and said account shall be at all times open to the inspection of the voters of the city. He shall make reports quarterly or as often as the common council may require, rendering an itemized account to the common council of all sums received and from whom the same were received, and also of all moneys by him paid out, when and to whom paid, which account or statement shall be filed with the city clerk; and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city under the authority of this act, shall be paid into the treasury of said city and shall not be drawn therefrom except by an order issued by authority of the common council and signed by the mayor or acting mayor and countersigned by the city clerk. The treasurer shall have the same powers and be subject to and governed by the same laws and liabilities as treasurers of towns in this state, and shall receive such fees as are hereinafter stipulated or otherwise provided by the laws of this state.

The city marshal; his powers and duties.

SECTION 11. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and safety, and the collection of license money and fines. He shall possess all the power and authority of constables of towns and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state may pursue the person named therein and serve such process in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and remove all obstructions in the streets or alleys of said city, and to

abate all nuisances in said city; to apprehend, with or without warrant, any person in the act of committing any offense against an ordinance of said city, or the laws of this state, and within a reasonable time bring such person before competent authority for examination, and for such services he shall receive such fees as are allowed by law to constables for like service in this state. All fees earned for such services rendered within the city limits, he shall turn over to the city treasurer to the use of the city, together with all fines and license moneys that may come into his hands by virtue of any law or ordinance of said city. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city and such special duties as the common council may require. He shall have power to appoint one or more deputies subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the power and authority of and be subject to the same liabilities with the marshal. He shall receive such compensation or salary as the common council shall deem prudent to fix.

Additional duties may be imposed upon city officials.

SECTION 12. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers appointed by them where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to the officers of said city under the charter or ordinances entitled to the same for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted, except by unanimous vote of the council, which vote shall be approved by the mayor.

SECTION 13. The common council at their first meeting after their election, or as soon thereafter as practicable, shall designate a newspaper printed in the city of Two Rivers, or within the county of Manitowoc, in which shall be published all ordinances, the minutes of the proceedings of all meetings of the common council and such other matters as the common council may order, or are required by this act or by the by-laws and ordinances of this city to be published in a newspaper. Official city paper.

SECTION 14. The affidavits of the printer or publisher of such newspaper, or its foreman, of the publication of any notice, ordinance, regulation, resolution or by-law passed by the common council, filed with the city clerk, together with a printed copy of such publication attached thereto, shall be conclusive evidence of the facts in such affidavit contained. And a printed copy of such notice, ordinance, regulation, resolution or by-law passed by the common council, and published in a newspaper, or in pamphlet, or in book form, purporting to be published by authority of the common council, or certified by the city clerk to have been so published, shall be presumptive evidence of its passage and publication, and shall be received in evidence in all courts. Proof of publication of ordinances, etc.

SECTION 15. If any person having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office, all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state. Outgoing officer to deliver books, etc., to successor.

SECTION 16. No mayor, alderman or street commissioner shall be interested in any contract with the city or any of the wards thereof, and any such contract shall be null and void when either are so interested; and in case any money has been paid out on any such contract the common council may sue for and recover in the name of the city City contracts in which mayor or aldermen interested, void.

the amount so paid from the parties to such contract or from any or either of them.

Officers of the peace; who are, and their powers.

SECTION 17. The mayor or acting mayor of the city, the sheriff and the deputy sheriffs and under sheriff of Manitowoc county and each and every alderman, justice of the peace, police justice, marshal, constables and watchmen shall be officers of the peace with the usual powers of peace officers, and may suppress in a summary manner all riotous and disorderly behavior within the city limits and for such purpose may command the assistance of any person or of any or all bystanders, and if any person or bystander shall refuse to aid in maintaining the peace when so required, every such person so refusing shall be guilty of a misdemeanor and shall pay a fine of fifty dollars upon conviction thereof.

Surveyor.

SECTION 18. The common council may elect a city surveyor, who shall be a practical surveyor and engineer, and shall prescribe his duties, and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, or filed with the city clerk when ordered by the common council; and be open to the inspection of the parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or to the common council. The certificate of such surveyor shall have the same force and effect in all courts as the certificate of a county surveyor.

Fines collected by justices of the peace to be paid over to city treasurer, except fines for refusal to do road work, which shall be paid to the street commissioner.

SECTION 19. All fines, penalties and forfeitures collected by any justice in the cases arising within the city, shall be paid over to the city treasurer, except those for refusing to work upon the streets and highways, which shall be paid over on demand to the street commissioner. Each justice shall render to the common council on the first Monday in January, April, July and October, in each year, a statement of all such fines, penalties and forfeitures collected by him and pay over the same to the city treasurer, except as otherwise provided.

City officer not to be surety on official bonds.

SECTION 20. No alderman or other city officer shall be accepted as surety upon any bond, note

or obligation made by the city, nor shall any officer required to give bonds as aforesaid enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

CHAPTER IV.

THE COMMON COUNCIL — ITS POWERS AND DUTIES.

Common council how composed.

SECTION 21. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Two Rivers do ordain," etc. The common council shall meet at such time and place as they shall fix upon. A majority of the aldermen shall constitute a quorum, but a smaller number may adjourn from time to time.

Meetings.

SECTION 22. The common council shall hold its first annual meeting in each year, on the third Tuesday of April, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members. No member of the common council shall receive any compensation for his services as such.

Powers of common council.

SECTION 23. The common council shall have the management and control of the finances, and all other public property in the city, except school moneys; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, alter, enforce, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof, and so enforce the same as it shall deem expedient; declaring and imposing penalties and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such or-

dinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinance, resolution or by-laws:

To grant licenses.

1. To license and regulate or prohibit the exhibition of common showmen or shows of any kind, natural or artificial curiosities, concerts or other musical entertainments, or the exhibitions of caravans, circuses and theatrical performances, skating rinks and all other exhibitions and amusements; billiard tables and bowling alleys, and to provide for the abatement and removal of the same under the ordinances of said city and the laws of the state; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualing houses and the vending or dealing in spirituous, vinous or fermented liquors, and to revoke licenses for the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state.

Hawkers, peddlers, etc.

2. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so called "Cheap Johns," transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by any or all such persons above mentioned, within the limits of said city; and when licensed, to fix the amount to be paid for such license, and no one or any of such persons above mentioned except such ex-union soldiers, sailors and marines as are exempt from the payment of any license by the laws of this state, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery, garden and green-house products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision or of the ordinances or laws herein referred to, shall, upon conviction thereof, be punished as provided in the laws of this state and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license

of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named, or the holder thereof, to make any of the sales herein inhibited.

Runners and solicitors for hotels, boats and for mercantile houses.

3. To license, regulate and restrain runners and solicitors for boats, vessels, cars, stages, public houses and other establishments, and other runners and solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers or proprietors of gift book stores, gift concerts and other gift enterprises; to license and regulate auctioneers, distilleries, brewers, bill posters, pawn brokers, keepers or proprietors of junk shops and places for the sale and purchase of second hand goods, wares and merchandise.

Hackmen, draymen, etc.

4. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the employment of any corporation or otherwise, and with or without vehicles, and to prescribe their compensation and to establish and change from time to time, stands for hacks and other vehicles.

Public auctions.

5. To regulate the time, place and manner of holding public auctions and vendues and to license the same; and to require the payment into the city treasury of a certain percentage of amount received from sales by auctioneers and transient dealers.

Dogs.

6. To provide for licensing the keeping of dogs, to require a badge or token to be worn by each licensed dog, and the secure muzzling of such licensed dog; to prohibit the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Gambling, etc.

7. To restrain and prohibit all descriptions of gambling, games of chance and fraudulent devices and practices, and to authorize the destruction of all instruments used for such purpose.

Riots.

8. To prevent and suppress any riots, noise, disturbance or disorderly assemblages and to suppress and restrain disorderly houses and houses of ill-fame

Cruelty to animals.

9. To prohibit and punish the abuse and cruel and inhuman treatment of animals.

Drunkards.

10. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Vagrants, etc.

11. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to authorize the arrest, fine and imprisonment at hard labor of vagrants or persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers and exhibitors of, or visitors at any gaming table, gambling house, house of fortune telling, house of ill-fame or bad repute, or place of cock, dog or other fighting, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretences; also any person or persons who shall disturb any place where religious worship or public or private schools are held either on week day or Sunday.

Carrying of concealed weapons.

12. To prohibit the carrying of concealed weapons and to provide for the confiscation and sale of such weapons.

Indecent and abusive language; bathing and swimming.

13. To restrain and prohibit the use of indecent, obscene, blasphemous and abusive language, and any obscene or indecent exposure or conduct, and to regulate and determine the times and places of bathing and swimming in the waters within and adjoining the city.

Destitute children.

14. To authorize the taking up and to provide for the safe keeping and education of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness or vice.

Ringing bells, etc.

15. To regulate or prohibit the ringing of bells, blowing of horns and bugles, crying of goods and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioners or others, for the purpose of

business, amusement or otherwise, and to regulate the use of steam whistles.

16. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials, to license the vender thereof, and to regulate the storage, keeping and conveying of the same; and to regulate the use of lamps, candles, lanterns and other lights. Storing of gunpowder, etc.

17. To prevent shooting of fire arms or fire-crackers, air-guns, toy pistols, spring guns, sling shots, or any other mechanical device, weapon or toy dangerous to person or property, and exhibition or use of any fire-works at any time in any manner or in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of fire arms and fire-crackers.

18. To prohibit horse racing, immoderate driving or riding in the streets. Horse racing, etc., on streets.

19. To prohibit and regulate the rolling of hoops, flying of kites, the use of slings, playing of ball, the riding of bicycles, or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. Riding of bicycles, etc.

20. To prevent all persons riding or driving any horse, mule or cattle, or any other animal, on the sidewalks in said city, or in any way doing any damage to said sidewalk. Driving of cattle on sidewalks.

21. To prohibit the encumbering of streets, sidewalks, lanes, alleys, public grounds, wharves, docks and other public places, with cars, carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings, or any substance or material, or in any manner whatsoever, and provide certain squares, markets, streets or places for teams, wagons, sleighs and other vehicles loaded with wood, hay, grain or other products for sale, and to cause their removal to the places so provided; and to compel persons to fasten their horses, oxen or other animals whether attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds. Encumbering of streets.

22. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep, poultry, geese or other animals, and to authorize Running at large of cattle etc.

the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for violation of any such ordinances.

Removal of snow, ice, etc., from sidewalks.

23. To compel the owners or occupants of buildings or grounds to remove and keep ice, snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupants to remove from the lots owned or occupied by them, all such substances the board of health or the common council may direct and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner, or occupants or property.

Regulation of lumber yards within fire limits.

24. To regulate the keeping of any lumber yard and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Regulation and inspection of steam engines and boilers; guards at railway crossings.

25. To provide for the inspection and regulation of stationary steam engines and boilers; to regulate by ordinance the use of railroad locomotive and traction engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in the streets, and to require railway companies to erect and maintain at their own expense at street crossings and along the line of their track such guards, bridges, viaducts and other conveniences as the public welfare may demand.

Building of chimneys, smoke stacks, etc.

26. To control and regulate the construction of buildings, chimneys and smoke stacks and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances and to provide for their summary abatement.

How doors of buildings used for large assemblages to be constructed.

27. To regulate or prohibit the use of any hall, theater, opera house, church, school-house or building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of any alarm.

Policemen and watchmen.

28. To provide for the appointment of watchmen and policemen, and to make rules and ordi-

nances for their government and regulation, and to prescribe their duties.

29. To establish and regulate boards of health and to provide and establish hospitals and cemetery grounds.

Boards of health, hospitals and cemeteries.

30. To provide for the abatement or removal of all nuisances under the ordinances, the statute and the common law, and the punishment of the authors thereof or persons continuing the same, and to define and declare what shall be deemed nuisances, but nothing herein contained shall deprive any court of its jurisdiction under the general laws of this state over any nuisances in this city.

Abatement and removal of nuisances.

31. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city, any putrid carcass or any other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

To prevent depositing of putrid carcasses or unwholesome substances within city.

32. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, barn, stable, privy, sewer, pig pen or other unwholesome or nauseous house or place, to remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Abatement and removal of nuisances.

33. To direct the location, management and construction of, and regulate, restrain, abate or prohibit within the city and within the distance of one mile from the city limits, of distilleries, slaughter houses, tanneries, glue factories, establishments for cleaning or rendering lard, tallow, offal, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Distilleries, slaughter houses, tanneries, etc.

34. To direct the location and management of public markets and packing houses, to regulate butchers and butcher shops, and breweries, and to regulate and restrain the sale of tainted or unwholesome game, poultry, meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food

Location of public markets and packing houses.

and to prescribe their duties, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruits or other provisions.

Landing of persons infected with contagious diseases from boats, cars, stages, etc.

35. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations and enforce the same within the city, and to do all acts and make all regulations needful or expedient for the preservation of health and the suppression of disease.

Construction of drains and sewers.

35. To prescribe and regulate the construction of all sewers and drains within the city.

Preservation of harbors, landings, wharves and docks.

37. To provide for the preservation of any harbor, landing, wharf or dock within the city or bordering thereon; to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to public health, or calculated to render the water of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prohibit and punish the casting or depositing therein of any earth, dead animals, ashes, filth, logs, floating matter or other substance; to regulate and prescribe the mode and speed of all vessels, rafts, boats or other crafts and floats entering and leaving the same, and the disposition of the spars, anchors and appurtenances thereto while entering, leaving or abiding therein, and to make such rules and regulations for the use thereof and the location therein, of every such vessel, boat, raft or other crafts and floats as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such vessels, boats, rafts or other crafts and floats, and to impose penalties for any offense against such rules and regulations, and to charge such penalties, together with such expenses as may be incurred by the city in enforcing this section upon the vessel, boat, raft or other craft or float.

Council to have jurisdiction over waters bordering on city.

38. The common council shall have jurisdiction over the entire waters bordering on the city

so as to prevent any deterioration of the same, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired.

Paupers.

39. To make such regulations and provisions for the support of paupers, which the city shall be required by law to support, as they may deem expedient, and may charge the county of Manitowoc with the expense of keeping, supporting, maintaining and relieving all poor persons for the support and relief of which said county is now chargeable, and said county shall pay the city therefor, but this provision shall not in any manner prevent the authorities from abolishing the distinction between town and county paupers, and said city shall be considered a town in relation to town and county paupers.

To induce location in city of manufacturing industries and educational, scientific and charitable institutions.

40. To aid, and to offer, hold out and make such inducements and to grant such privileges as are not repugnant to the constitution of the state, and as in any manner the said city or common council should be lawfully authorized to do, to any person or persons, companies or corporations, for the erection and maintenance of charitable, educational and scientific institutions, manufacturing industries and all other institutions and industries as in the opinion of the common council may be of great public benefit or tend to materially increase the wealth, growth and prosperity of the city; provided, however, that no appropriation shall be made, debt created, nor liability incurred against the city for any of such purposes, without the same having been first sanctioned by a vote of the electors of said city.

Public buildings and building sites.

41. To locate, purchase sites and let contracts for the erection and construction of public buildings

Opening and repair of streets, alleys, etc.

42. To lay out, make, open and keep in repair, alter or discontinue any highway, streets, lanes and alleys, to keep them free from incumbrances, and to protect them from injury, to name or change the name of any street, to establish and alter the grade of streets, to regulate the manner of using the streets and pavements in said city, and to protect them from injury by vehicles or other things used thereon.

Street sprinkling.

43. To provide for sprinkling the streets at the cost of the city, or of the lots or parts of lots

fronting thereon, and to provide for lighting the streets, public grounds and buildings, with gas or otherwise, and to make and let contracts for such purpose.

Public pounds, pumps, wells, cisterns, etc.

44. To make and establish public pounds, parks, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water to the inhabitants of said city, and for protection from fire and for other purposes, and to make contracts with any person or persons, company or corporation for a supply of water for such purposes, and may grant the full power and privilege to use the streets and alleys of the city for laying and maintaining pipe lines and hydrants for water, gas and other purposes, under such regulations and restrictions as may be deemed proper.

Ornamental trees.

45. To direct and regulate the planting and preserving of ornamental trees in the streets, highways and public grounds.

Numbering of buildings.

46. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe.

Standard of weights and measures.

47. To provide by ordinance for a standard of weights and measures which shall conform to those established by law in this state, and for the punishment of persons using false weights and measures, and to provide for the appointment of inspectors, weighers and gaugers, and regulate and prescribe their duties and fees.

Size and weight of bread.

48. To regulate the sale of bread in the city, prescribe the size and weight of bread in loaf and the quality of the same, and to provide for the seizure and forfeiture of the same when baked contrary to such regulations.

Sealing of weights and measures.

49. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer, and be subject to his inspection.

Weighing and selling of hay, coal, lime, etc.

50. To regulate the place and manner of weighing and selling hay and measuring and selling fuel, coal, lime and other gross commodities.

Construction of piers, wharves, etc., and prices of pierage and wharfage.

51. To establish dock lines, regulate the construction of piers and wharves, to prescribe and control the prices to be charged for pierage or

wharfage thereon; to regulate, prescribe and control the prices to be charged for dockage and storage within the city, and to lease the wharfing privileges of the rivers at the end of streets.

Cutting of ice from rivers and harbors.

52. The common council shall regulate the taking of ice from the rivers and harbors in said city, to designate the localities therein from which ice may be taken and to prohibit the taking of ice from any other localities therein than as are thus designated.

Insurance of public property.

53. The common council shall have power to insure the public property of said city.

Prosecution and defense of city cases.

54. They shall have power to direct in the prosecution and defense of actions in which said city may be a party or otherwise interested and to employ counsel for that purpose.

Appropriation not to be made nor debt contracted except by majority vote of members of council. Ordinances, how passed.

SECTION 24. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions, shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor, and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or liability incurred by the city, shall be approved by the mayor before the same can be in force; provided, that in case the mayor shall refuse to sign any ordinance, or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, it shall be his duty to file his objection thereto with the clerk within ten days after its passage, who shall forthwith call a special meeting of the common council. A majority of the members of the council voting in the affirmative shall have power to pass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor, and all ordinances shall be published in the official newspaper of said city before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in a book to be provided for that purpose; but before any of said laws, ordinances, regulations and by-laws shall be recorded, the publication thereof respectively,

walks, sewers, drains and gutters in said city, and shall appoint a street commissioner for each ward of said city, and may by resolution prescribe the duties of such commissioners.

Proceedings to take lands for public use.

SECTION 29. Whenever ten or more freeholders residing in said city shall, by petition, represent to the common council of said city that it is necessary to take certain lands within said city for public use, for the purpose of laying out public squares, grounds or parks, streets, lanes or alleys, or to enlarge or widen the same, or to take and use certain lands within the city for the purpose of constructing and repairing sewers and drains in said city, specifying therein as near as practicable the property to be taken or used as aforesaid, and the several lots or tracts of land or parcels thereof through, over or along which the same may pass, giving therein the names and residences of the owners thereof, if known, and if unknown, to so state, and also giving therein the names of the occupants thereof, if any, and whether any of the owners or occupants thereof are infants or persons laboring under legal disability, thereupon the common council shall, if it deem it expedient and necessary to take and use such lands for the purposes specified in said petition, cause a notice describing therein as near as may be the premises proposed to be taken and used to be given to all owners or occupants thereof, that on a day therein to be named, not less than ten days from the service of such notice, or not less than ten days from the expiration of the publication of such notice when service thereof is made by publication as herein provided for, application will be made to a court commissioner of Manitowoc county giving his name and place of residence or to a justice of the peace of said city, for the appointment of twelve jurors to view said premises and determine if it will be necessary to take the same for the purpose specified in said petition. No such court commissioner or justice of the peace or juror shall act in any such matter or proceeding in which he shall be personally interested. No street or alley or part thereof shall be vacated, except upon the petition of the owners of three-fourths of the front upon such street or alley in the block, in or along which such street or alley runs;

but the boundaries of streets may be changed upon petition to the council, by the parties interested, and in all other respects the common council shall proceed to vacate streets and alleys as provided by section 904, of the revised statutes relating to villages.

Service of notice.

SECTION 30. Such notice shall be served personally or by copy left with or at the usual place of abode of each owner or his agent or his guardian, or the occupant of such lots, lands or parcels thereof, and shall be posted up in three public places in the ward or wards where such lots, lands or parcels thereof are situate, and also in three other public places in said city at least ten days before the time of such application. If the owner thereof be known and a resident of said city, such notice shall be served upon him. If such owner is not a resident of said city, such notice shall be served upon his agent, if a resident of said city, otherwise such notice shall be served upon the occupant of said premises if occupied, and if not, then such notice shall be served by publishing a copy thereof in the official paper of said city for two successive weeks. If such owner or occupant be a minor or labor under any legal disability, said notice shall be served upon the guardian of such party.

Appointment of guardian for infant owner.

SECTION 31. When any known owner of lots, lands or parcels thereof or tenements affected by any proceedings under this act, shall be a minor or labor under legal disability, any officer authorized by law to appoint guardians in such cases, shall upon the application of the mayor or of any member of the common council of said city, or of such party or of his next friend appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Appointment of jury to determine necessity of taking; issuing of precept.

SECTION 32. When such application shall be presented to such court commissioner or justice of the peace, such officer, upon being satisfied that the notices required in this chapter to be given proof of, which may be shown by affidavit or otherwise, as may be required, such officer shall proceed to appoint twelve reputable freeholders, residents of the city but not residents of the ward in which the premises may be, or interested in the result of such application. Such officer shall thereupon issue his precept directed to

the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for violation of any such ordinances.

Removal of snow, ice, etc., from sidewalks.

23. To compel the owners or occupants of buildings or grounds to remove and keep ice, snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupants to remove from the lots owned or occupied by them, all such substances the board of health or the common council may direct and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner, or occupants or property.

Regulation of lumber yards within fire limits.

24. To regulate the keeping of any lumber yard and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Regulation and inspection of steam engines and boilers; guards at railway crossings.

25. To provide for the inspection and regulation of stationary steam engines and boilers; to regulate by ordinance the use of railroad locomotive and traction engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in the streets, and to require railway companies to erect and maintain at their own expense at street crossings and along the line of their track such guards, bridges, viaducts and other conveniences as the public welfare may demand.

Building of chimneys, smoke stacks, etc.

26. To control and regulate the construction of buildings, chimneys and smoke stacks and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances and to provide for their summary abatement.

How doors of buildings used for large assemblages to be constructed.

27. To regulate or prohibit the use of any hall, theater, opera house, church, school-house or building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of any alarm.

Policemen and watchmen.

28. To provide for the appointment of watchmen and policemen, and to make rules and ordi-

nances for their government and regulation, and to prescribe their duties.

29. To establish and regulate boards of health and to provide and establish hospitals and cemetery grounds.

Boards of health, hospitals and cemeteries.

30. To provide for the abatement or removal of all nuisances under the ordinances, the statute and the common law, and the punishment of the authors thereof or persons continuing the same, and to define and declare what shall be deemed nuisances, but nothing herein contained shall deprive any court of its jurisdiction under the general laws of this state over any nuisances in this city.

Abatement and removal of nuisances.

31. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city, any putrid carcass or any other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

To prevent depositing of putrid carcasses or unwholesome substances within city.

32. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, barn, stable, privy, sewer, pig pen or other unwholesome or nauseous house or place, to remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Abatement and removal of nuisances.

33. To direct the location, management and construction of, and regulate, restrain, abate or prohibit within the city and within the distance of one mile from the city limits, of distilleries, slaughter houses, tanneries, glue factories, establishments for cleaning or rendering lard, tallow, offal, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Distilleries, slaughter houses, tanneries, etc.

34. To direct the location and management of public markets and packing houses, to regulate butchers and butcher shops, and breweries, and to regulate and restrain the sale of tainted or unwholesome game, poultry, meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food

Location of public markets and packing houses.

and to prescribe their duties, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruits or other provisions.

Landing of persons infected with contagious diseases from boats, cars, stages, etc.

35. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations and enforce the same within the city, and to do all acts and make all regulations needful or expedient for the preservation of health and the suppression of disease.

Construction of drains and sewers.

35. To prescribe and regulate the construction of all sewers and drains within the city.

Preservation of harbors, landings, wharves and docks.

37. To provide for the preservation of any harbor, landing, wharf or dock within the city or bordering thereon; to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to public health, or calculated to render the water of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prohibit and punish the casting or depositing therein of any earth, dead animals, ashes, filth, logs, floating matter or other substance; to regulate and prescribe the mode and speed of all vessels, rafts, boats or other crafts and floats entering and leaving the same, and the disposition of the spars, anchors and appurtenances thereto while entering, leaving or abiding therein, and to make such rules and regulations for the use thereof and the location therein, of every such vessel, boat, raft or other crafts and floats as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such vessels, boats, rafts or other crafts and floats, and to impose penalties for any offense against such rules and regulations, and to charge such penalties, together with such expenses as may be incurred by the city in enforcing this section upon the vessel, boat, raft or other craft or float.

Council to have jurisdiction over waters bordering on city.

38. The common council shall have jurisdiction over the entire waters bordering on the city

so as to prevent any deterioration of the same, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired.

Paupers.

39. To make such regulations and provisions for the support of paupers, which the city shall be required by law to support, as they may deem expedient, and may charge the county of Manitowoc with the expense of keeping, supporting, maintaining and relieving all poor persons for the support and relief of which said county is now chargeable, and said county shall pay the city therefor, but this provision shall not in any manner prevent the authorities from abolishing the distinction between town and county paupers, and said city shall be considered a town in relation to town and county paupers.

To induce location in city of manufacturing industries and educational, scientific and charitable institutions.

40. To aid, and to offer, hold out and make such inducements and to grant such privileges as are not repugnant to the constitution of the state, and as in any manner the said city or common council should be lawfully authorized to do, to any person or persons, companies or corporations, for the erection and maintenance of charitable, educational and scientific institutions, manufacturing industries and all other institutions and industries as in the opinion of the common council may be of great public benefit or tend to materially increase the wealth, growth and prosperity of the city; provided, however, that no appropriation shall be made, debt created, nor liability incurred against the city for any of such purposes, without the same having been first sanctioned by a vote of the electors of said city.

Public buildings and building sites.

41. To locate, purchase sites and let contracts for the erection and construction of public buildings.

Opening and repair of streets, alleys, etc.

42. To lay out, make, open and keep in repair, alter or discontinue any highway, streets, lanes and alleys, to keep them free from incumbrances, and to protect them from injury, to name or change the name of any street, to establish and alter the grade of streets, to regulate the manner of using the streets and pavements in said city, and to protect them from injury by vehicles or other things used thereon.

Street sprinkling.

43. To provide for sprinkling the streets at the cost of the city, or of the lots or parts of lots

fronting thereon, and to provide for lighting the streets, public grounds and buildings, with gas or otherwise, and to make and let contracts for such purpose.

Public pounds, pumps, wells, cisterns, etc.

44. To make and establish public pounds, parks, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water to the inhabitants of said city, and for protection from fire and for other purposes, and to make contracts with any person or persons, company or corporation for a supply of water for such purposes, and may grant the full power and privilege to use the streets and alleys of the city for laying and maintaining pipe lines and hydrants for water, gas and other purposes, under such regulations and restrictions as may be deemed proper.

Ornamental trees.

45. To direct and regulate the planting and preserving of ornamental trees in the streets, highways and public grounds.

Numbering of buildings.

46. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe.

Standard of weights and measures.

47. To provide by ordinance for a standard of weights and measures which shall conform to those established by law in this state, and for the punishment of persons using false weights and measures, and to provide for the appointment of inspectors, weighers and gaugers, and regulate and prescribe their duties and fees.

Size and weight of bread.

48. To regulate the sale of bread in the city, prescribe the size and weight of bread in loaf and the quality of the same, and to provide for the seizure and forfeiture of the same when baked contrary to such regulations.

Sealing of weights and measures.

49. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer, and be subject to his inspection.

Weighing and selling of hay, coal, lime, etc.

50. To regulate the place and manner of weighing and selling hay and measuring and selling fuel, coal, lime and other gross commodities.

Construction of piers, wharves, etc., and prices of pierage and wharfage.

51. To establish dock lines, regulate the construction of piers and wharves, to prescribe and control the prices to be charged for pierage or

wharfage thereon; to regulate, prescribe and control the prices to be charged for dockage and storage within the city, and to lease the wharfing privileges of the rivers at the end of streets.

Cutting of ice from rivers and harbors.

52. The common council shall regulate the taking of ice from the rivers and harbors in said city, to designate the localities therein from which ice may be taken and to prohibit the taking of ice from any other localities therein than as are thus designated.

Insurance of public property.

53. The common council shall have power to insure the public property of said city.

Prosecution and defense of city cases.

54. They shall have power to direct in the prosecution and defense of actions in which said city may be a party or otherwise interested and to employ counsel for that purpose.

Appropriation not to be made nor debt contracted except by majority vote of members of council. Ordinances, how passed.

SECTION 24. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions, shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor, and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or liability incurred by the city, shall be approved by the mayor before the same can be in force; provided, that in case the mayor shall refuse to sign any ordinance, or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, it shall be his duty to file his objection thereto with the clerk within ten days after its passage, who shall forthwith call a special meeting of the common council. A majority of the members of the council voting in the affirmative shall have power to pass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor, and all ordinances shall be published in the official newspaper of said city before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in a book to be provided for that purpose; but before any of said laws, ordinances, regulations and by-laws shall be recorded, the publication thereof respectively,

within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Suits to abate nuisances not barred, by provisions of charter granting power to council to abate same. Certain places declared to be public nuisances.

SECTION 25. The power conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar nor hinder suits, prosecutions or proceedings according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time are hereby declared and shall be deemed public or common nuisances.

Accounts of clerk, treasurer, etc., to be audited by council.

SECTION 26. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such times as they may deem proper; also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Examination and investigation by council of official acts and transactions of any city officer.

SECTION 27. The common council shall have power and authority to investigate and examine into any and all official acts and official transactions of every person who holds or shall have held any office under the city government and for that purpose the mayor, acting mayor, president of the council, any member of any commit-

tee of the common council, or any member of any board created by this act, or by said common council, shall have power to issue subpœnas to compel the attendance of witnesses, to compel the production of such books, papers or documents as they may desire, and to administer all necessary oaths or affirmations. Every person served with such subpœna or process is hereby required to obey the same without payment of fees, and any person refusing or neglecting to obey the same without sufficient excuse shall be deemed guilty of contempt, and may be fined or imprisoned, or both, by order of the common council, but the punishment therefor shall not exceed the punishments which justices of the peace are allowed to inflict under the general laws of the state for like offenses. For due cause, and after opportunity for a fair hearing, the common council may expel any of its own members and remove from office any officer or agent of the city government, except justices of the peace; but such expulsion or removal of an elective officer shall only be made or done by a two-thirds vote of all the members of the common council, and an appointive officer by a majority of the common council, and a written notice in every case shall be given to the officer complained of, at least five days before the hearing, to appear before the common council and answer to complaint made. Such notice shall be served in the same manner as a summons in circuit court. In case the officer complained of shall fail to appear before the common council and answer to the charges against him, then the common council may declare such office vacant. Any officer may be suspended until the disposition of the charges preferred against him.

CHAPTER VI.

PUBLIC SQUARES, GROUNDS, PARKS, STREETS, LANES, ALLEYS, SIDEWALKS, SEWERS, DRAINS AND GUTTERS.

Council to have general care and superintendence of streets, grounds, etc.

SECTION 28. The common council shall have the general care and superintendence of public squares, grounds, parks, streets, lanes, alleys, side-

walks, sewers, drains and gutters in said city, and shall appoint a street commissioner for each ward of said city, and may by resolution prescribe the duties of such commissioners.

Proceedings to take lands for public use.

SECTION 29. Whenever ten or more freeholders residing in said city shall, by petition, represent to the common council of said city that it is necessary to take certain lands within said city for public use, for the purpose of laying out public squares, grounds or parks, streets, lanes or alleys, or to enlarge or widen the same, or to take and use certain lands within the city for the purpose of constructing and repairing sewers and drains in said city, specifying therein as near as practicable the property to be taken or used as aforesaid, and the several lots or tracts of land or parcels thereof through, over or along which the same may pass, giving therein the names and residences of the owners thereof, if known, and if unknown, to so state, and also giving therein the names of the occupants thereof, if any, and whether any of the owners or occupants thereof are infants or persons laboring under legal disability, thereupon the common council shall, if it deem it expedient and necessary to take and use such lands for the purposes specified in said petition, cause a notice describing therein as near as may be the premises proposed to be taken and used to be given to all owners or occupants thereof, that on a day therein to be named, not less than ten days from the service of such notice, or not less than ten days from the expiration of the publication of such notice when service thereof is made by publication as herein provided for, application will be made to a court commissioner of Manitowoc county giving his name and place of residence or to a justice of the peace of said city, for the appointment of twelve jurors to view said premises and determine if it will be necessary to take the same for the purpose specified in said petition. No such court commissioner or justice of the peace or juror shall act in any such matter or proceeding in which he shall be personally interested. No street or alley or part thereof shall be vacated, except upon the petition of the owners of three-fourths of the front upon such street or alley in the block, in or along which such street or alley runs;

but the boundaries of streets may be changed upon petition to the council, by the parties interested, and in all other respects the common council shall proceed to vacate streets and alleys as provided by section 904, of the revised statutes relating to villages.

Service of notice.

SECTION 30. Such notice shall be served personally or by copy left with or at the usual place of abode of each owner or his agent or his guardian, or the occupant of such lots, lands or parcels thereof, and shall be posted up in three public places in the ward or wards where such lots, lands or parcels thereof are situate, and also in three other public places in said city at least ten days before the time of such application. If the owner thereof be known and a resident of said city, such notice shall be served upon him. If such owner is not a resident of said city, such notice shall be served upon his agent, if a resident of said city, otherwise such notice shall be served upon the occupant of said premises if occupied, and if not, then such notice shall be served by publishing a copy thereof in the official paper of said city for two successive weeks. If such owner or occupant be a minor or labor under any legal disability, said notice shall be served upon the guardian of such party.

Appointment of guardian for infant owner.

SECTION 31. When any known owner of lots, lands or parcels thereof or tenements affected by any proceedings under this act, shall be a minor or labor under legal disability, any officer authorized by law to appoint guardians in such cases, shall upon the application of the mayor or of any member of the common council of said city, or of such party or of his next friend appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Appointment of jury to determine necessity of taking; issuing of precept.

SECTION 32. When such application shall be presented to such court commissioner or justice of the peace, such officer, upon being satisfied that the notices required in this chapter to be given proof of, which may be shown by affidavit or otherwise, as may be required, such officer shall proceed to appoint twelve reputable freeholders, residents of the city but not residents of the ward in which the premises may be, or interested in the result of such application. Such officer shall thereupon issue his precept directed to

said jurors, requiring them within ten days to view the premises specified in said precept, and to make return under their hands to the common council of said city, whether in their judgment it is necessary to take said premises for the purposes specified in such petition.

Service of precept.

SECTION 33. The marshal or any constable of said city or the sheriff of Manitowoc county shall serve said precept immediately on the jurors therein named by reading the same to every one that can be found, and to deliver a certified copy thereof to at least one of said jurors, and immediately after such service he shall return the said precept to the officer who issued the same together with his doings thereon.

Vacancies in jury how filled.

SECTION 34. If any of the jurors so appointed cannot be found or shall be disqualified from acting or shall refuse to act, such officer shall appoint others in their places, and a memorandum of the substitution shall be endorsed upon the precept.

Jurors to be sworn.

SECTION 35. The said officer or any justice of the peace shall thereupon administer an oath to said jurors before entering upon the discharge of their duties, that they are freeholders of said city and not interested in the premises described in the precept, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

Jury to view premises and take testimony.

SECTION 36. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oath to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in the precept; should the jurors report that it is necessary to take the premises for the purposes

Report to council.

mentioned in the petition and precept, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or within such future time as shall be necessary to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the time limited such damages to the common council. In case any juror shall refuse to serve in ascertaining the amount of compensation as above, the common council shall have power to, and shall appoint a new juror in his place and stead for that purpose. All such jurors before entering upon the discharge of their duties in that behalf, shall severally take an oath before some competent officer that they are freeholders in said city and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Council may confirm report and order jury to assess damages.

Vacancies.

SECTION 37. If there should be any building or other artificial obstruction in whole or in part upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building or other artificial obstruction to the owner, aside from the value of the land and the injury to him in having such building or obstruction taken from him; and secondly, the value of such building or obstruction to him to remove.

Value of buildings on lands, how determined.

SECTION 38. At least ten days' notice of such determination shall be given to the owner, or his agent, if known, and a resident of the city; if not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper of said city for two successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein, and give notice of their election to the common council, either to accept the award of the jurors, and allow such building or other obstructions to be taken with the land appropriated, or their intention to remove such building or other obstruction and they shall have such time to remove such building or other obstruction as the common

Notice of determination of value of buildings to be given; what to contain.

council may allow, if they agree to remove the same.

Building may be sold, when; disposition of proceeds.

SECTION 39. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building or other obstruction at public auction, for cash, giving ten days' notice of such sale and the proceeds shall be paid to the owner, or deposited to his use.

Jury to appraise real estate.

SECTION 40. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and all such premises as will in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and determine and appraise to the owner or owners the actual value in money, of the real estate proposed to be taken and used; and the injury arising to them respectively, in consequence of the taking and use thereof, which shall be awarded to such owners respectively as damages. In the estimation of the damages to the lands, the jurors shall include the value of the building or buildings or other obstructions (if the property of the owners of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, or other obstructions. The damages shall be assessed to every person separately. In estimating the damages sustained by any person by reason of the taking of such premises the benefits which such person may receive thereby shall be taken into consideration. If any highway, street, lane or alley, sewer or drain shall at the same time be discontinued and set to a lot, tract or parcel of land through which, or any part thereof a new or altered highway, street, lane or alley, sewer or drain shall be laid out and opened, the same may be taken into consideration in estimating the damages sustained by the owner thereof.

Benefits to be considered in estimating damages.

Injury to incumbered property; how assessed.

SECTION 41. If the lands or buildings, or other obstructions belong to different persons, or if the

land be subject to lease, judgment or mortgage or other incumbrance, or if there be any estate in it less than an estate in fee, the injury done to such person or interests respectively, shall be awarded to them by the jurors. When only part of a lot or tract of land, or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of the report, shall be absolutely discharged, as to the part thereof taken or used, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for or in respect to the same.

Confirmation of report to discharge contracts, etc., when.

SECTION 42. The award of said jurors shall be signed by them and returned together with the testimony taken, and the precept, to the common council within the time limited in such precept.

Award to be signed and returned to common council.

SECTION 43. Any person whose property is taken or used, or against whom any assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Manitowoc county, by causing a written notice of such appeal to be served upon the clerk of said city, and by executing to said city, and filing with said clerk a bond with two or more sufficient sureties, in the penal sum of five hundred dollars, conditioned that the appellant will pay to said city all costs that it may sustain by reason of such appeal in case the assessment of damages appealed from shall not be raised upon the trial of such appeal, and it shall be tried by the court and a jury as in ordinary cases. The common council shall also have the right to appeal by filing a notice thereof with the city clerk within ten days as aforesaid. Within ten days after any appeal shall have been perfected as hereinafter provided, the clerk of said city shall transmit to the clerk of the circuit court of Manitowoc county, a certified copy of the award and assessment of damages and proceedings thereon of said jurors and common council, and of the notice of appeal and of the bond, when a bond is required,

Appeals from jurors' decision, when and how taken.

which said copies shall be certified under his hand and the corporate seal of said city, and the clerk of said court shall, on receipt of said certified copies, file the same in his office, and upon the same being so filed by him, the said court shall have jurisdiction of said appeal. Within ten days after a judgment shall have been entered on such appeal, the clerk of said court shall cause a certified copy of such judgment to be filed with the clerk of said city; and upon the filing of a certified copy of such judgment with the clerk of said city, the amount of damages therein awarded to the appellant shall be taken and considered as the amount of damages to be paid by the city to such appellant, the same as if the said jurors had originally fixed such damages at that sum in their award and assessment of damages.

Damages to be paid or tendered before lands are taken.

SECTION 44. The land required to be taken or used for the purposes mentioned in this act, shall, not be appropriated until the damages awarded therefor shall be paid or payment tendered to the owner or party entitled thereto, or his agent, or in case the said owner or party entitled thereto, or his agent, cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit, and then and not before, such lands may be taken, used or appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city.

Proceedings void unless damages are paid or tendered within one year.

SECTION 45. The damages assessed shall be paid or tendered or deposited as herein provided, within one year after the assessment of said jurors shall have been made and filed as aforesaid, or in case an appeal has been taken from said assessment, within one year from the time a certified copy of the judgment of the court shall have been filed with the city clerk as hereinbefore provided; and if not so paid, tendered or deposited all proceedings therein under this act, shall be void.

Survey to be made and filed.

SECTION 46. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk.

SECTION 47. The common council may, whenever the convenience of the public demands, order

the construction of sidewalks and sewers along any of the platted lands in said city in the same manner and with the like effect as if the said common council had been petitioned by two-thirds of the lot owners so to do as provided for in section 50 of this charter, and assess the costs thereof to the abutting lots, which may be inserted in any subsequent tax roll and collected the same as other taxes against such abutting lots.

Sidewalks and sewers may be ordered without petition; costs.

SECTION 48. Upon application in writing of the resident owners of two-thirds of the lots upon any street or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require. Any person not being a signer of such application, who shall claim to have sustained damages by such change of grades shall have his right of action against the city for the recovery of the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Street grade, how changed; right of action for damages, when.

SECTION 49. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses within the city are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in the city, unless the common council shall otherwise provide.

Street commissioner to enforce ordinances; supervision over improvements.

SECTION 50. Upon a petition to the common council of two thirds of the owners of lots in front of which any sidewalk or gutter is proposed to be built, such sidewalk or gutter, not less than a block in lineal frontage shall by the common council be ordered to be constructed upon the proper established grades of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece

Sidewalks or gutters ordered on petition; contracts, how let upon failure of owner to construct. Special tax levied, when.

of ground, in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground, shall not construct such sidewalk or gutter as aforesaid, the common council may cause the same to be constructed, at the expense of such owner, owners or property. The contract for the construction of any sidewalk or gutter shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city for at least ten days prior to the time, of the place and manner of opening such bids. The common council shall levy a special tax upon such lot or piece of ground in front of which any sidewalk or gutter shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk or gutter, by the publication of the same.

Repair of sidewalks and gutters, how ordered; street commissioner to construct, when. Costs, how paid.

SECTION 51. The proceedings for ordering the repair of sidewalks and gutters, and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk or gutter. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of ten dollars, in front of any one lot, to repair the same, he shall be authorized after giving personal notice to such owner, if a resident of the city, or if not such resident, to the occupant thereof, to fix and repair the same, and if such owner or occupant refuse or neglect to fix and repair the same, it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk; and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Two Rivers, for payment; and if the owner of such lot, piece or parcel of land shall refuse or ne-

glect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon such lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land, does not reside in the city of Two Rivers the said street commissioner shall return said account to the common council with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same.

Street and highway tax, how assessed.

SECTION 52. The common council shall at their first or at a subsequent meeting on or before the second Monday in May assess the highway tax for street and highway purposes for the ensuing year to an amount not less than one mill on a dollar on the valuation of real and personal property in said city for the current year, and the city clerk shall, under the direction of the common council, set opposite to the name of each person and corporation and to each description of taxable property the amount of such tax charged to each, respectively, in the annual tax roll of the city, and such taxes shall be collected in all respects as other taxes are collected. Said taxes when collected shall be held by the city treasurer and paid out as directed by the common council. Said moneys shall be expended under the direction of the common council on such streets, in such places and under the supervision of such persons as the council may designate.

Shade trees.

SECTION 53. The common council of the city of Two Rivers shall have power to require the owner of any lot or grounds in said city, to set out shade trees in the street or streets in front of the same and to protect and preserve them, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or ground to pay the expense of the same. They shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set and the manner of protecting them, and for re-planting them when they have died or been so injured as to fail to answer the purpose for which they were set out. Said council shall also have full power and authority to do all other needful acts

as to them may seem just and proper to give this section full scope and effect.

Street commissioner to report expenditures under oath.

SECTION 54. The street commissioners shall on or before the first Monday in November in each year render an account under oath to the common council showing the amount of money that has been expended by them, specifying the work for which it was expended and by whom performed, and such account shall be rendered as often as the common council shall require.

CHAPTER VII.

FINANCE AND EXPENDITURES.

City funds to be under the control of common council; how drawn upon.

SECTION 55. All funds in the city treasury except school, state and county funds shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

City debt, how authorized.

SECTION 56. No debt shall be contracted against the city or certificate of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Forfeitures and license moneys made a part of general fund.

SECTION 57. All forfeitures and penalties accruing to the city for a violation of this act or of any of the ordinances, by-laws rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund to be used for all general city purposes, except as otherwise provided by this act.

Compensation of election inspectors, etc., to be fixed by common council.

SECTION 58 The common council shall fix the compensation to be paid to inspectors and clerks of elections, and members of the board of health

and board of registry, and board of equalization, but in no case shall any such compensation exceed the sum of three dollars per day for each member.

SECTION 59. It shall be the duty of the common council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of funds to meet any deficiency in the treasury.

City orders to be promptly paid; council may negotiate temporary loans, when.

SECTION 60. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact at the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in its hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

Treasurer to report inability to pay city orders to council; action thereon.

SECTION 61. No account, demand or claim against the city shall be paid until it shall have been itemized and verified by affidavit annexed thereto, that the same is just and correct, and no part thereof has been paid or allowed, except as therein stated, and the same has not been before audited and allowed, and an order drawn on the treasury therefor. The common council may adopt such rules or regulations as to the further disposition and record of such accounts, demands and claims as they may deem proper.

Claims to be itemized and verified.

SECTION 62. When the common council shall think best they may select some banks, or banking association within the city, with which all the funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; provided, however, that such bank, banks or banking associations so selected, shall, before receiving such funds, give security to any amount fixed by said council, and in the same manner as is now required by the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

Council may select depository for city funds; security how fixed and approved.

SECTION 63. The city treasurer shall daily deposit with the bank, banks or banking associations so selected, all moneys collected or received by him during the day, it or they giving proper

Treasurer to deposit daily.

vouchers therefor. From the time of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks or banking associations safely to keep said funds. Such funds shall be drawn out only by the check of said treasurer countersigned by the city clerk.

Interest to be mutually agreed upon.

SECTION 64. The common council may, before or after selecting a depository or depositories, contract with such bank, banks or banking associations, that it or they shall pay to the city such interest upon said funds so to be deposited as they may mutually agree upon. The council may at any time direct all sums so deposited to be paid into the city treasury, or to such other bank or banks as they may select under the law.

Bonds, how issued.

SECTION 65. The common council of said city may issue bonds to accomplish any purpose within the lawful power of such city, and in accordance with the provisions of the general statutes of the state and under the restrictions of the state constitution.

Final meeting of council.

SECTION 66. The common council shall meet on Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during their term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

CHAPTER VIII.

ASSESSMENT AND TAXATION.

Assessment of taxes; assessor, his powers and duties.

SECTION 67. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the forms of as-

sessment roll, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

Assessment roll, when to be completed and what to contain.

SECTION 68. On or before the first day of June of each year, the assessor shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be of all lands, lots or parcels of land within the city, sufficent to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of personal property assessed to each. When there are any buildings, or any lots or tracts of land, the value of the same shall be set forth separately when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels or subdivisions as he may deem proper, but it shall be necessary to enter the name of the owner opposite to every tract, lot or parcel of land.

Board of review, how constituted; powers, etc.

SECTION 69. The mayor, city clerk, the assessor and the alderman supervisor, of each ward, shall constitute a board of review; said board shall meet annually on the last Monday of June; a majority shall constitute a quorum. Notice of the time and place of said meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day until its business is completed. Said board of review so constituted shall have the same powers, and shall be subject to the same restrictions as town boards of review under the laws of the state. Immediately after the final adjournment of the board of review in each year, the assessor shall return the assessment roll to the common council by depositing the same with the city clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same, but shall not have the power to increase the amount of said roll, except

by the value of such real or personal property as may have been omitted by the assessor.

Taxes, when and how levied.

SECTION 70. On the last Monday in November in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes and also the amount necessary to be levied for special purposes, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members-elect, which shall appear in the proceedings of the common council.

Abstract of assessment roll, city clerk to transmit.

SECTION 71. The city clerk shall transmit an abstract of the assessment roll to the county clerk of the said Manitowoc county, within the time such duty is required of town clerks, who shall lay the same before the board of supervisors at its annual meeting.

Equalizing assessment.

SECTION 72. The county board of supervisors shall have the right to regard the city of Two Rivers as a town in equalizing the assessment rolls of the several towns in said Manitowoc county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Tax levied by county board to be certified to city clerk; assessment roll, how made and what to contain.

SECTION 73. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city and other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax list of the city of Two Rivers," and shall be preserved by said clerk as a record in his office;

and shall have the same legal force and effect as the records of the common council.

SECTION 74. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done, relating to the assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Tax list prima facie evidence in court.

SECTION 75. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer requiring and commanding him to collect the taxes and assessment specified in said duplicate copy of the tax list in the manner provided by law, and the clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection and make a record of such delivery on the tax list preserved in his office.

Duplicate of tax list to be delivered to treasurer for collection.

SECTION 76. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one *per centum* fees upon all taxes paid to him before the first day of January and three *per centum* fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and one *per centum* upon all other money collected and paid into the treasury, and one *per centum* upon all moneys disbursed by him upon city and school orders, or which he is otherwise required by law to disburse, but not to include any money received by him from his predecessor, or paid over to his successor in office, or to the county treasurer, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city, except that in case of a distress and sale made by him of goods or chattels for the payment of any taxes, he shall receive and retain such fees as are

Collection of taxes; requirements of treasurer.

allowed to constables for similar services, and such other fees as may be paid to him by individuals for work performed by him as such treasurer for their benefit, and which he is entitled to charge for by law.

Return of delinquent taxes to county treasurer, when.

SECTION 77. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Manitowoc county a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state in reference to the collection of taxes by town treasurers shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, due to said city.

Delinquent lands, how sold.

SECTION 78. The county treasurer shall sell all delinquent lands and lots returned from the city of Two Rivers at the same time and in the same manner as other delinquent lands are sold in the county.

No exemption from special taxes.

SECTION 79. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes as other real estate under this act.

Unplatted lands, how assessed and taxed.

SECTION 80. All lands lying within the city limits not divided and laid out into lots, or lots and blocks, and all out lots, not subdivided and numbered by such subdivisions which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming lands, and shall not be subject to any special taxes for sidewalks or sewers.

Informality not to vitiate assessment.

SECTION 81. No error or informality in the proceedings of any of the officers in assessing property, or in any proceedings to charge any property with a special tax, levying or collecting taxes, or making returns of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or anywise affect the validity of the assessment, proceeding or tax; provided, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying of a tax.

SECTION 82. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterward submitted to a vote of the people and approved by them. Whenever the council shall recommend such tax, they shall specify the amount to be raised and the object thereof, and to cause notice thereof, and of the time and place of voting thereon to be published in the same manner as in case of the annual city election. Special taxes, for what levied.

SECTION 83. The city treasurer shall receive nothing but the lawful currency of the United States for taxes, license or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment for city dues. Taxes to be paid in lawful currency.

SECTION 84. After the tax roll shall have been delivered to the treasurer, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases: Taxes, when and how remitted.

1. When a clerical error has been made in the description of the property or in the extension of the tax.

2. When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making the assessment.

3. When the property is exempt by law from taxation.

4. When a person has been assessed the same year for the same property in more than one ward or place.

SECTION 85. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for collection thereof, until such taxes shall be paid, and no sale or transfer of such real and personal property shall effect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes Same a lien until paid.

upon personal property, and for a poll tax if one be levied.

CHAPTER IX.

FIRE DEPARTMENT.

Purchase of fire-engines, and apparatus; organization of companies.

SECTION 86. The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to prescribe the membership and number thereof, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and to prohibit their meetings as such when disbanded. Each company shall be officered and governed by its own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city. Every active member of any company in said city shall be exempt from serving on juries and military duty, except in case of war, invasion or insurrection; and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Council may prescribe fire limits.

SECTION 87. The common council shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof may be erected, repaired or removed, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of such fire-proof material, and in such a manner as it may ordain, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty *per cent.* of value thereof, and to prescribe the manner of ascertaining such damages.

Construction of chimneys, etc.

SECTION 88. The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus

used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same, to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

CHAPTER X.

SUPPORT OF THE POOR.

Support of poor.

SECTION 89. The laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of their number to act as overseer of the poor of the city, who shall perform all the duties of overseer of the poor in towns.

CHAPTER XI.

PUBLIC SCHOOLS.

City to constitute a single school district.

SECTION 90. The district of country herein described as within the limits of the city of Two Rivers, or which may hereafter be embraced within the limits of Two Rivers, shall form and constitute one district for school purposes, and shall be a part of the county system of public schools.

School commissioners.

SECTION 91. The school commissioners elected at the annual municipal elections, as provided for in section 4 of chapter 2 of this act, shall constitute the board of education of the city of Two Rivers, and a majority of said board shall form a quorum for the transaction of business.

Board of education; officers and meetings of.

SECTION 92. The board of education shall, at the first regular meeting in May of each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money or the adoption of new text-books, the votes shall be taken by ayes and noes, and on any other questions the ayes and noes shall be called when any member shall request it; provided, further, that in the absence of the president, the board shall elect a president *pro tempore*.

Duties of board of education defined.

SECTION 93. The board of education shall at least have one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president, but no such special meeting shall be legal unless each member of the board shall have first been served with a notice in writing of the time and place of such meeting.

SECTION 94. The duties of the board of education shall be as follows:

Teachers; number and salary.

1. To decide upon the number of teachers to be employed, the grade of the school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract with such board, which contract shall be signed by such teacher and by the president and clerk of said board of education.

Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to such teacher.

2. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text books, and to adopt and reject text-books at will, but no change of any one text-book shall be made oftener than once in three years.

Terms and vacations; changes of text-books.

3. To establish rules and regulations for the schools, not in conflict with the constitution or laws of this state, but the mayor and council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of said city.

Council may annul regulations.

4. To make contracts for all fuel, stationery, and articles of furniture required for the use of the schools; to make all necessary repairs on school houses, not exceeding five hundred dollars in value for any one school house; to make contracts for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, etc,; and such contract, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

Contracts for fuel, etc.

5. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts of all other indebtedness accruing on contract or otherwise, that have been made by order of the board, and for that purpose they shall cause entries to be made in the book or books, to be provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said common council, and they shall at the same time submit for the consideration of the council a statement

Annual report to show indebtedness and contain estimates.

of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund and the amount to be received from the county school tax during the ensuing year. The said board of education shall have power to allow the children of persons not residents of said city to attend in either of the schools therein, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor; all moneys so received for tuition shall become a part of the school fund of said city.

Statement of repairs and buildings required; reported to council, when. Same, how authorized.

SECTION 95. Whenever repairs to a larger amount than five hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required and an estimate of the cost thereof to be laid before the mayor and council; and whenever, in their opinion, another school house or school houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or such building or buildings be erected; and it shall be the duty of said board to enter into contracts for making repairs or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council; provided, that no such tax shall be levied for the purchase of sites or new school buildings,

until such question shall have been submitted to the legal voters of the city for their approval, at a general or special election called according to law.

SECTION 96. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasury, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act. President and secretary to draw orders.

SECTION 97. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void. Board not to be interested in contracts.

SECTION 98. The city clerk, shall, in addition to his other duties, act as secretary of the board of education. City clerk to be secretary.

CHAPTER XII.

JUDICIAL.

SECTION 99. The city of Two Rivers in its corporate name, may sue for and recover any and all fines, penalties and forfeitures under this act, or under the ordinances, by-laws, police or health regulations made in pursuance thereof, or now in force and not inconsistant with this act, and such actions shall be commenced by complaint, substantially in the following form: Judicial powers; code of procedure.

COMPLAINT.

State of Wisconsin } ss. In police court of
City of Two Rivers. } said city. Complaint.

..... complains on oath to the police court of the city of Two Rivers that ..... did, as the deponent verily believes, on or about the .... day of .... A. D., 18.., at said city, violate an ordinance of said city to-wit: (Here insert the title and date of the ordinance or the chapter and section of the general ordinance) in that he did then and there contrary to said ordinance (here insert the act or omission complained of); wherefore the complain-

ant prays that said ..... be arrested and dealt with according to law.

.....,
Complainant.

Subscribed and sworn to before me this .... day of ...., A. D., 18..

.....,

It shall be sufficient to give the number of the section or sections, or subdivision of the section or proviso of the section, and the title of the ordinance, by-law or resolution violated in the complaint, the time or about the time of the alleged offense and the act or omission complained of and such complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint in the office of the police justice of the city, such police justice shall issue a warrant thereon, substantially as follows, to-wit:

WARRANT.

Warrant.

State of Wisconsin, } ss In police court of
City of Two Rivers. } said city.

The State of Wisconsin, to the chief of police or any police officer of said city, or the sheriff or any constable of the county of Manitowoc. You are hereby commanded to arrest and bring before said court as soon as may be, and safely keep subject to the order of said court, the body of .... charged with violating one of the ordinances of the city of Two Rivers.

Dated ....., ...

.....,
Police Justice.

Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent, or for cause, or by the order of the court. If the case be adjourned the defendant, if required by the court so to do, shall recognize with sufficient sureties for his appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Manitowoc county, or to such other place of confinement as may be provided by the common council. The complaint made as aforesaid shall stand in lieu of a declara-

tion, and the plea of "not guilty" shall put at issue all subject matter of the complaint.

SECTION 100. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in an official newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before the courts of this state. Printed copy to be prima facie evidence.

SECTION 101. The police justice of the city of Two Rivers shall have jurisdiction to try and determine all actions to recover penalties, and offences against the charter, ordinances and regulations lawfully imposed by the city of Two Rivers. He shall keep a record book in which shall be recorded the proceedings with reference to each such case. In case of conviction in any such case, the sentence in addition to the fine, shall require as part of the punishment, the payment of the costs of prosecution, and in all such cases the following costs only shall be taxed or charged: Police justice's charges, four dollars; for making arrest, one dollar; one dollar per day for board and keeping, but no fractions of a day shall be charged. Also damages to the city property while in confinement, caused by the accused and the witness' fees prescribed by law in cases before justices of the peace. All sums for fines and costs so collected, exclusive of witness' fees, shall be paid over to the city treasurer as hereinafter provided. At the end of each month the police justice shall make and file in the office of the city clerk a report, in a form to be prescribed by the common council, showing each case presented during the preceding month, the amount of fines and costs recovered in each such case in detail, the amount to which any officer is entitled, and such other matters as may be required by the form prescribed. The report shall have attached thereto the receipt of the treasurer, showing payment to him of the amount collected, exclusive of witness fees. If the justice neglects to file said report for ten days after the close of the month, he shall forfeit the sum of five dollars to be retained out of his compensation. The report shall be examined by the common council, and otherwise be treated

Police justice, powers and duties.

Costs of prosecution.

Report monthly to city clerk

Compensation.

as other accounts are against the city, and when final action is had thereon by the council, an order shall be drawn on the treasurer for the amount to which the justice is entitled as his compensation, under this charter, and an order shall also be drawn in favor of each person entitled to any sum as determined by the council on said report. Said orders shall be paid by the treasurer on presentation. Any person feeling himself aggrieved by the action of the council, may appeal to the circuit court as in other cases of claims against the city.

Court room, etc., to be provided.

SECTION 102. The city shall provide the police justice with a suitable room for the court in the city building, warm and light the same, free from rent, and shall furnish the justice with the necessary blanks for doing the city business in his court. He shall be allowed for all services by him rendered to the city, three-fourths of the amount paid to the treasurer collected for police lice justice charges; provided, however, in lieu of this the council may pay the justice a salary of ..... dollars per year, payable quarterly on the first days of January, April, July and October in each year. If the council determine to pay such salary as aforesaid, for any year they shall determine the same prior to the first day of the year.

Unclaimed witness' fees to be reported.

SECTION 103. In the December report for each year, the justice shall report all witness' fees unclaimed, and shall pay the same to the city treasurer, and attach the treasurer's receipt showing such payment, to his report.

Payment of witness' fees in advance not required.

SECTION 104. Witnesses shall attend before any justice of the peace and before the police justice in and for the city of Two Rivers in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. In civil prosecutions for the violation of any provisions of this charter or any ordinance, by-law or regulation of said city, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty; if guilty the court shall render judgment thereon, against the defendant, and adjudge that the defendant pay a fine, penalty or forfeiture contained in the ordi-

Jury not allowed in civil prosecutions.

nance, by-law, resolution or regulation for the violation of which the defendant shall have been found guilty, and for the costs of the suit upon such conviction, and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Manitowoc, or such other place as the common council of said city shall by ordinance designate, for a term which in no case shall exceed six months in the discretion of the court rendering judgment, and such court shall further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his or her commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment, inserting therein such time of imprisonment, and every person so convicted and committed shall be kept at hard labor in the common jail of Manitowoc county, or at such place as the city of Two Rivers may provide for the benefit of said city, under the watchguard and supervision of whomsoever the mayor and the common council shall appoint, for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty or forfeiture and costs are sooner paid. The commitment may be substantially in the following form:

Imprisonment, where and when; employment during.

County of Manitowoc, }
City of Two Rivers. } ss

Form of commitment.

The state of Wisconsin, to the sheriff or any constable of the said county, or any police officer of said city, and to the keeper of the common jail of said county, greeting:

Whereas, at ..... court, held at my office in said city, for the trial of ..... for the offense hereinafter stated, the said ...., convicted of having on the ..... day of ....., A. D. 189.., at said city, in said county, violated section ....., of chapter ...., of a general ordinance of the city of Two Rivers, entitled, "An ordinance .....," which said ordinance was then in force or did violate section ....., or subdivision ....., of section .... or the proviso of section

....., of chapter .. .., of the charter of the city of Two Rivers, as the case may be) and upon conviction the said court did adjudge and determine that the said ..... pay a fine of .... dollars, together with ..... dollars costs, that in default of payment of said fine and costs, he be imprisoned in the county jail of said county, or in the city prison for the term of .... days, at hard labor for the benefit of the city of Two Rivers; therefore, in the name of the state of Wisconsin, you are commanded forthwith to take the .... of the .... and convey and deliver to the keeper of the common jail, in and for Manitowoc county, or of the city prison; and the said keeper is hereby commanded, in the the name of said state, to receive and keep in custody in said jail, the said ..... for the term of ... .,at hard labor for the benefit of said city, unless the fine, together with all costs and jail fees are sooner paid, or ..... be discharged by due course of law.

Given under my hand, this ..... day of ....., A. D. 189..

.....

Prisoners may be employed on public streets upon mayor's order.

SECTION 105. If the mayor of the city shall at any time, deem it for the interest of the city, he may employ and work the prisoners so committed, outside of the jail or yard, at hard labor on the public grounds. streets or alleys of said city, and may cause them to be secured in such manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city deliver the prisoner or prisoners in such order named or described, in the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

Defendant may appeal, when and how.

SECTION 106. In all cases the defendant may appeal from such judgment to the circuit court of Manitowoc county; provided, such defendant, within twenty-four hours, shall pay to the police justice the costs and one dollar for his return and one dollar state tax, and two dollars clerk's fees for clerk of court appealed to, and make and

file with him an affidavit that the appeal is made in good faith and not for the purpose of delay, and enter into a recognizance, with one or more sufficient sureties, to be approved by the police justice from whose judgment the appeal is taken, conditioned to appear before the circuit court for the county of Manitowoc at the next general term thereof and from term to term thereafter, and abide the judgment of said court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the warrant and return affidavit or complaint upon which the same was issued, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance to be filed in the office of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeal to stand for trial without notice.

SECTION 107. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Judgment on appeal.

SECTION 108. If the judgment of the court appealed from shall be affirmed, or if, upon the trial the defendant shall be convicted, the court shall inflict the fine, penalty or forfeiture provided by this act, or the ordinances, by-laws, resolutions or regulations under which he or they are prosecuted, and enter judgment against him or them for such fine, penalty or forfeiture, together with the costs in the appellate court; and in default of payment, of such fine, penalty or forfeiture and costs, to be committed as provided in section 104 of this chapter. If the fine, penalty or forfeiture is paid, it shall be paid to the clerk of the circuit court, and by him to be, within ten days thereafter, paid to the police justice from whose judgment the appeal was taken; and the same shall be by him accounted for to the city in his next report.

Breach of recognizance.

SECTION 109. In case of the breach of the conditions of the recognizance, hereinbefore mentioned, by the escape or non-appearance of the defendant at the circuit court, as hereinbefore provided, the same shall be prosecuted in the name of the

city of Two Rivers as plaintiff, in the circuit court for Manitowoc county; and the amount of recovery shall be twice the amount of fine, penalty or forfeiture imposed, together with the costs and fees that accrued in the case subsequent to the appeal, all of which shall be paid to the police justice and be by him accounted for to the city in his next report. If the action is brought in the circuit court, the police justice shall satisfy the record in that court. Such judgment shall be enforced as in actions of tort.

Residence not to work incompetency.

SECTION 110. No person shall be an incompetent judge, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Charter not to repeal ordinances.

SECTION 111. All ordinances, by-laws, resolutions and regulations now enforced in the city of Two Rivers and not inconsistent with this act shall remain in force until altered, modified or repealed by the common council after this act shall take effect, and shall have the force of law.

Rights vested in and to be prosecuted by corporation.

SECTION 112. All rights, actions and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Suit not to be brought unless claimant shall file claim for council's action; appeal when.

SECTION 113. No suit of any kind on any claim of any character shall be brought against said city, until the claimant shall file his claim with the city clerk for the action of the council thereon, and if he feels aggrieved by their determination he may appeal to the circuit court in the manner hereinbefore provided. If the council neglects to take final action within sixty days after the claim is filed, the same, for the purposes of an appeal by the claimant, may be taken as disallowed In case an appeal is taken the city clerk shall immediately notify the mayor of the city, and shall make and deliver to him a copy of all papers and proceedings relating to the matter in his possession. He shall also notify the common council of such appeal at its next meeting.

Fines and penalties; how disposed of.

SECTION 114. All fines, penalties and forfeitures recovered and collected under and by virtue of this act, not hereinbefore provided for, shall be paid into the city treasury for the use and benefit of said city.

SECTION 115. No execution shall at any time be issued on any judgment against the city, but the judgment shall be levied on the taxable property of the city and placed in the next tax roll for collection, and on or before the first day of May thereafter the amount of such judgment shall be paid to the judgment creditor.

Execution not to be issued on judgment against city.

SECTION 116. The mayor shall have power to grant pardons or commutations after conviction, for all offenses against the ordinances, by-laws, resolutions or regulations of the city, upon such conditions as he may deem proper, but he shall not have power to pardon any person convicted of violating any provision of this charter. He shall communicate any such action to the common council at its next meeting, with the reason therefor.

Mayor may grant pardons.

CHAPTER XIII.

HARBORS AND RIVERS.

SECTION 117. The harbor of Two Rivers shall include the Mishicott and Neshoto rivers from Lake Michigan to the city limits, and Lake Michigan along the east side of said city to a distance of one mile from the shore thereof.

Harbor boundaries.

SECTION 118. The common council of said city shall have power by ordinance, to establish dock and wharf lines upon the banks of the rivers in said city. Whenever the same are not established to restrain and prevent encroachments upon said rivers and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city, docks or wharves along the banks of said rivers, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounding on said rivers.

Council to establish dock and wharf lines, etc.

SECTION 119. The common council shall have power to dock and require the docking of the rivers within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying into said rivers, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said rivers, and may by ordinance,

Construction and repair of docks; on owners neglect same to be let to lowest bidder.

require the docking of the banks of said rivers, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water-runs emptying into said rivers, by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said runs, gutter or water course in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting by contract to the lowest responsible bidder for the same; and when it shall be completed according to such contract the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done in the same manner as provided in sections 50 and 51, chapter 6, of this act.

Dredging to be done by abutting property owners; proceedings upon neglect.

SECTION 120. Said city council shall have power to provide by ordinance for dredging the rivers within the city limits and to require of the owners of lots or lands abutting on said rivers to dredge the same opposite such lots to the width of twenty feet, in such manner and to such depth and within such time as the council may direct; and the earth excavated from the bed of said rivers may be deposited upon such lot or lots or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect, within the time specified by said council, to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may at the same time cause the rivers to be dredged to the same depth in front of streets and other places in said rivers where such dredging shall be chargeable against the city, contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract and accepted by the council, the ex-

pense of such dredging shall be charged and levied against the particular lots of land in front of which such dredging has been done in the same manner as provided in sections 50 and 51 of chapter 6 of this act, for the contract price of the work.

Harbor master; his powers and duties.

SECTION 121. The common council may annually appoint a harbor master, on whom may be conferred the duties of bridge tender. The duties and compensation of such harbor master and bridge tender shall be prescribed by the common council, by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal at any time by the common council.

CHAPTER XIV.

MISCELLANEOUS.

Special taxes, city to have same power as towns.

SECTION 122. All powers conferred upon towns or cities of this state to vote, levy and collect special taxes shall be of full force and effect in said city.

Elections not held at prescribed time may be held subsequently, how.

SECTION 123. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for suspending, arresting or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at any time specified and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

Preservation of bridges; general laws to apply.

The general laws for the preservation of bridges and the punishment by such laws provided for willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful and malicious damages which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may

deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water-craft, or by the master or any person in command thereof, such vessel or water-craft may be proceeded against under the law, in the same manner as is provided for the collection of demands against boats and vessels.

Liquor licenses to be signed by mayor and city clerk and sealed; when issued.

SECTION 124. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and the city clerk and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk, until the person applying for the same shall have deposited with the city clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with bonds as required by the laws of this state, which bonds shall be approved by the mayor, and a sum not less than the minimum sum, nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof the licenses theretofore issued by them and not before reported and the common council shall by vote approve or disapprove of the same. If the common council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license, that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

Members of council not eligible to election or appointment; otherwise restricted.

SECTION 125. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the pay-

ment of any debt for less than the amount expressed upon the face thereof.

SECTION 126. The common council shall have power to appropriate a sum not exceeding two hundred dollars annually, for the purpose of repairing and maintaining highways leading into the city, which shall be expended under the direction of the common council.

Appropriation for highways.

SECTION 127. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same unless such purpose is expressly set forth in such law.

General laws contrary hereto not to be considered as repealing this.

SECTION 128. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Public act, and to be liberally construed.

SECTION 129. All acts and parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner effect, injure or invalidate any contract, actions or suits, claims, penalties, or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating said city, or any of them, but the same shall exist and be enforced and carried out, and be completed as fully and effectually to all intents and purposes as if this act had not been passed.

Previous acts repealed; contracts not to be invalidated.

SECTION 130. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1891.

No. 262, S.] [Published March 27, 1891.

CHAPTER 63.

AN ACT relating to and amendatory of chapter 247 of the laws of Wisconsin for the year 1878, and acts amendatory thereof relating to the charter of the city of Fort Atkinson.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Amends chapter 247, laws of 1878.

SECTION 1. Section 1 of chapter 2 of chapter 247 of the laws of 1878, is hereby amended by inserting after the words "of range number fourteen east" where they occur in the sixth line of said section the words "and the southeast quarter of section thirty-three, and the southwest quarter of section thirty-four, township six north, of range number fourteen east" so that said section when so amended shall read as follows: Section 1. All that district of country in the town of Koshkonong, and county of Jefferson, in the state of Wisconsin, included within the following described territory, to-wit: The east half of section four, and the west half of section three, township five north, of range number fourteen east, and the southeast quarter of section thirty-three, and the southwest quarter of section thirty-four, township six north, of range number fourteen east, shall be included in and constitute the limits of the city of Fort Atkinson.

Boundaries of Fort Atkinson defined.

Amends chapter 247, laws of 1878.

SECTION 2. Section 2 of said chapter 2, of chapter 247, of the laws of 1878, is hereby amended by striking out the word "three" where it occurs in the second line of said section and inserting in place thereof the word "four." Also by striking out the word "and" where it occurs in the third line of said section, after the word "second." Also by inserting after the word "three" where it occurs in the third line of said section the words "and fourth." Also by striking out all of said section after the word "ward" where it occurs in the ninth line of said section, and by adding to said section as hereinbefore amended, the following: "And all that portion of said city lying north of Rock river and east of the section line between

sections three and four and between sections thirty-three and thirty-four shall be and constitute the Third ward; and all that portion of said city lying north of Rock river and west of the section line between sections three and four and between sections thirty-three and thirty-four, shall be and constitute the Fourth ward of said city." So that said section, when so amended, shall read as follows:

Wards and their boundaries.

SECTION 2. The said city is hereby divided into four wards, to be called and known as the First, Second, Third and Fourth wards, and limited and bounded as follows, to-wit: All that portion of said city lying south of Rock river and east of the center of Main street shall be and constitute the First ward; all that portion of said city lying south of Rock river and west of the center of Main street shall be and constitute the Second ward; and all that portion of said city lying north of Rock river and east of the section line between sections three and four, and between sections thirty-three and thirty-four shall be and constitute the Third ward; and all that portion of said city lying north of Rock river and west of the section line between sections three and four and between sections thirty-three and thirty-four, shall be and constitute the Fourth ward of said city.

Amends chapter 247, laws of 1878.

SECTION 3. Sections 3, 4, 7 and 9 of chapter 4, of chapter 247, of the laws of 1878, are hereby amended so as to read as follows: Section 3. The mayor and any three aldermen of said city shall preside at and be the judges and inspectors of every election held under this act. The clerk of said city, hereinafter provided for, together with three electors of said city, appointed by the inspectors, shall be the clerks of every such election. In case of the absence of the city clerk, the inspectors may also appoint an elector of said city to act as such clerk at such election, and in case of the absence of the mayor and three of the said aldermen in time to properly open the polls, the qualified voters of the city there present may choose from among their number one or more persons, as the case may be, to act as inspectors in place of the absent mayor or aldermen. The clerks and inspectors shall take and subscribe an oath, in the same

Mayor and alderman to serve as inspectors of election; clerks of election, who to act.

form and to the same effect, as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general elections, under the laws of this state. The clerk shall keep a list of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election.

Ballot boxes.

SECTION 4. The common council of said city shall provide four ballot boxes numbered one, two, three and four to correspond with the wards aforesaid to be used at all elections under this act.

Election to be by ballot; ward to be designated for which candidates are to be elected.

SECTION 7. All elections by the people shall be by ballot, on which the names of all persons voted for shall be written or printed, and when any aldermen, or supervisors to represent the several wards of said city in the county board of supervisors are to be elected at any election, the ballot shall designate the number of the ward from which such aldermen or supervisors are to be elected. At each annual election the inspectors of election shall cause four poll lists to be made and numbered one, two, three and four to correspond with the four wards hereinbefore provided for, and the inspectors of election at the opening of the polls shall designate which of the four clerks of election shall have charge of the poll list for each of the said wards respectively. Every person, when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election who has charge of the poll list of the ward in which he resides, shall enter his name on the list, numbered so as to correspond with the number of the ward of which said person is a resident. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for aldermen or supervisors resides shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by

the inspectors and clerks, and the two persons named on the ballots in any box for aldermen, and the one named thereon for supervisor, who shall have received a plurality of all the votes cast by the electors of the ward corresponding in number with the box, shall be declared elected aldermen and supervisor of such ward; and the persons who shall receive a plurality of all the votes of the electors of said city for the office of mayor, police justice, city clerk and city treasurer, shall be declared elected to such offices respectively. When two or more candidates of an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as the common council shall direct.

Tie vote to be determined by casting of lots.

SECTION 9. Immediately after the counting of the ballots at any election under this act, the inspectors and clerks of election shall, under their hands, make a written statement of the result of such election and attach thereto the oaths of the inspectors and clerks, and the four poll lists kept at such election, and shall cause the same to be filed in the city clerk's office, and the said statement shall be recorded in the records of said city by the city clerk; and the said statement shall be *prima facie* evidence in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement the city clerk shall make out and deliver to each person who appears by such statement to to have been elected to any office, a certificate of election under his hand and the seal of said city.

Statement of result; same to be prima facie evidence.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Previous acts repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1891.

No. 22, A.] [Published March 28, 1891.

CHAPTER 66.

AN ACT to amend chapter 498 of the laws of 1887, entitled, "An act to amend chapter 248, of the laws of 1887, entitled, 'An act to amend the charter of the city of Milwaukee.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 498, laws of 1887.

SECTION 1. Section 1, of chapter 498, of the laws of 1887, is hereby amended by striking out the figures "1887" where the same appear after the letters "A. D." in the seventh line of said section, and by inserting in lieu thereof the figures "1891." By striking out the word "and" in the ninth line of said section, where the same appears after the word "English," and by adding the words "and Polish" after the word "German," where the same appears in the tenth line, and by striking out the word "both," where the same appears after the word "from," and the word "and" where the same appears after the word "English" in the twenty-first line of said section, and by adding the words "and the Polish" after the word "German," where the same appears in the twenty-second line of said section. By striking out the word "or," where the same appears after the word "English," in the twenty-fifth line of said section, and by adding the words "or in Polish," after the word "German," where the same appears in the twenty-sixth line of said section. By striking out the word "or," where the same appears in the fifty-ninth line of said section, after the word "English," and by adding the words "or Polish," after the word "German," where the same appears in the fifty-ninth line of said section. By striking out the word "and" where the same appears after the word "newspapers," in the sixty-eighth line of said section, and by adding the words "and the Polish newspaper or newspapers," after the word "newspapers," where the same appears in the sixty-ninth line of said section. "Provided, that in case only one Polish paper should bid for the publication of said proceedings

and said advertising, and such bid should be higher than the lowest bid for the publication of such proceedings and such advertising in German, then the common council shall set the price for such publication of said proceedings and said advertising in the Polish paper, equal to the price to be paid to the German newspaper or newspapers to which contracts for publication of said proceedings and said advertising in German have been or may be at that time awarded." By striking out the word "or," where the same appears after the word "English," in the seventy-fourth line of said section, and by adding the words "or Polish" after the word "German" where the same appears in the seventy-fourth line of said section. By striking out the word "and." where the same appears after the word "newspapers," in the eightieth line of said section, and by adding the words "and the Polish newspaper or newspapers," after the word "newspapers," where the same appers in the eighty-first line of said section. By striking out the word "or," where the same appears after the word "English," in the eighty-seventh line of said section, and by adding the words, "or Polish," after the word "German," where the same appears in the eighty-seventh line of said section. By striking out the word "or," where the same appears after the word "English," in the one hundred and second line of said section, and by adding the words "or Polish," after the word "German," where the same appears in the one hundred and second line of said section. By striking out the word "and" where the same appears after the word "English," in the one hundred and thirty-seventh line of said section, and by adding the words, "and the Polish," after the word "German," where the same appears in the one hundred and thirty-eighth line of said section, so that said section, so amended, will read as follows: Section 9. The common council shall, on or before the first Tuesday in April, A. D., 1891, and on or before the same day in each year thereafter, direct the city clerk of said city to advertise in one English, one German and one Polish newspaper, published in said city, for proposals to do the advertising for the said city for the next ensuing year thereafter, of all ordinances, notices and all

Proposals to do city advertising; when to be made, what to contain.

the city advertising required by law, or by resolution or ordinance of the common council to be published in a newspaper, and also for proposals to publish the proceedings of the common council as may be ordered by the council; such advertisement shall invite separate bids for the advertising required, and for publishing the proceedings of the common council, and shall invite such bids from the English, the German and the Polish newspapers, published daily in said city for at least two consecutive years prior to the date of the bids, and shall require the delivery of such proposals, stating whether in English, in German or in Polish, in writing duly sealed and directed to said clerk, on or before the third Tuesday of April, of the then current year. No bids for either kind of work shall be considered by said clerk, except from a daily newspaper which has been published in said city at least two years consecutively next before the date of the bid, and no bid shall be considered, unless accompanied by a certificate from the city treasurer, showing that the bidder has deposited with him five hundred dollars in money or United States bonds, and a written agreement executed by said bidder under seal, to the effect that if such bid, either for advertising or publishing proceedings, be accepted; and upon being notified thereof, such bidder shall fail to enter into and execute a contract for the advertising or the publication of proceedings, or for both, as required by this act within the time prescribed by said clerk, said advertisement then and in such case the said five hundred dollars shall become absolutely forfeited to said city. If a bid be rejected in case the bidder makes but one, and if both bids be rejected in case the bidder makes two bids, the said certificate of the city treasurer and such agreement and said five hundred dollars shall be thereupon returned to the bidder. The said clerk shall, on the third Tuesday in April in each year, at 12 o'clock at noon, in the presence of the mayor, open all such bids or proposals, and shall thereupon, in the presence of the mayor, enter upon a record to be kept by the clerk for that purpose, all the said proposals for either kind of work, either in English, German or Polish, with the respective prices for which

Bids of publishers of daily papers only to be considered; certificate of deposit to accompany bid.

Bids to be opened, when and how.

such newspapers shall offer to do either the advertising or the publication of the proceedings of the common council. And thereupon said clerk shall transmit all such proposals to the common council, at the next regular meeting thereof held after the opening of such proposals and a statement of all such proposals, designating therein the English newspaper or newspapers, the German newspaper or newspapers, and the Polish newspaper or newspapers, which shall respectively do such advertising or such publication of proceedings or both of them, at the lowest price, for the year ensuing. If, however, any two or more bids, either for advertising or for publishing the proceedings either in English, German or Polish, shall be for the same price, then all such facts shall be stated. The common council shall thereupon at said meeting thereof by its resolution designate and award such advertising and such publication of council proceedings to the English newspaper or newspapers, the German newspaper or newspapers and the Polish newspaper or newspapers so published in the said city, which shall respectively offer to do such advertising and such publication of proceedings, or either at the lowest price for the year then ensuing. Provided, that in case only one Polish paper should bid for the publication of such proceedings and said advertising, and such bid should be higher than the lowest bid for the publication of such proceedings and such advertising in German, then the common council shall set the price for such publication of said proceedings and said advertising in the Polish paper equal to the price to be paid to the German newspaper or newspapers to which contracts for publication of said proceedings and said advertising in German have been or may be at that time awarded. And if two or more bids shall be received for either the advertising or the publication of the proceedings in either English, German or Polish, for the same price, then and in such case such advertising or such publication of the proceedings or both shall be so let to the newspapers, in either such language having the largest circulation in said city, and the publishers of the newspapers to which such advertising or publication of proceedings or both, shall be awarded as aforesaid, shall respectively

Council to set price, when.

Papers of largest circulation to have preference, when.

Contract; amount of bond.

thereupon give bond in the sum of two thousand dollars for the faithful performance of said contract, which bond shall be approved by the comptroller of said city as to the surities therein, and by the city attorney as to the form and execution thereof. Provided, that in case both the advertising and the publication of proceedings, either in English, German or Polish, shall be let to the same newspaper then the penalty of such bond shall be four thousand dollars. And whenever the successful bidder for the advertising or for the publication of proceedings as aforesaid, or for both, shall have executed, the contract and bond aforesaid, and such bond shall have been duly approved as aforesaid the sum of five hundred dollars, deposited with the city treasurer by such bidder, in accordance with this act shall be returned to the said bidder in accordance with the provisions hereintofore set forth. Such newspapers shall thereupon become liable to print and publish all such ordinances, notices, council proceedings and other proceedings as are required by the charter of the city of Milwaukee or by resolution or ordinance of the common council, to be published in a public newspaper, and which such newspaper shall have contracted to publish, for the compensation specified in such proposals and contract, and shall receive no other compensation therefor, provided, however, that said common council may, in its discretion, reject any or all bids so made, that by said common council shall be deemed exorbitant or too high and in case of the rejection of all bids for either advertising or publication of proceedings, for such cause it shall thereupon be the duty of the said common council to direct said city clerk to re-advertise for proposals for such advertising or publication of proceedings, as the case may be, in the same manner as hereinbefore in this act provided, and the said clerk shall thereafter transmit to said common council the proposals so received by him, in the manner aforesaid. The said common council shall designate the English, the German, and the Polish newspaper receiving the contract for such advertising as the proper official newspapers of the said city.

Council may reject bids.

SECTION 2. This act shall take effect from and after its passage and publication, which publication shall not be in the official state paper, but shall be made in some newspaper in the city of Milwaukee to be designated by the secretary of state. And such publication shall be made solely at the expense of said city and in no wise at the expense of the state. Immediately after the approval of this act, the secretary of state shall deliver a copy of this act to some newspaper in said city, willing to publish the same at the rates now provided by law for publishing legal notices; and the same shall be published in such newspaper, but the fees for such publication shall not exceed those now allowed by law for the publication of legal notices; Publication of act.

Approved March 24th, A. D. 1891.

No. 203, A.] [Published March 27, 1891.

CHAPTER 72.

AN ACT to amend the charter of the city of Seymour.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 30, of chapter 1, of chapter 57, laws of 1887, is hereby amended by striking out the first three lines and so much of the fourth line as to include the word "commissioner" of said section, and inserting in lieu thereof the following words: "Each member of the common council shall receive a compensation of one dollar for each regular meeting which he may attend. The city clerk and marshal" so that said section, when so amended, shall read as follows: Section 30. Each member of the common council shall receive a compensation of one dollar for each regular meeting which he may attend. The city clerk and marshal shall receive such compensation, not exceeding one hundred dollars a year each, for their services, and the assessor shall re- Amends chapter 57, laws of 1887. Compensation of city officers.

ceive such compensation, not exceeding fifty dollars a year, as shall be determined each year by the common council. The assessor's salary shall not be paid until after the assessment has been completed, and the salary of the clerk, marshal and street commissioner, shall be paid quarterly, but no member of the common council shall receive for compensation for services at regular or stated meetings of the common council, more than sixteen dollars in any one year.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 26, 1891.

No. 141, A.] [Published March 27, 1891.

CHAPTER 73.

AN ACT to amend section 10 of chapter 12 of chapter 184, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874.

SECTION 1. Section 10, of chapter 12, of chapter 184, of the laws of 1874, as amended by section 36, of chapter 324, of the laws of 1882, is hereby further amended by adding after the word "appointments" the following: "All claims and demands against the city or the school board, before they are allowed by the school board, shall be audited and adjusted by the comptroller and immediately after the allowance by the school board of any claim or account, it shall be the duty of the secretary of said board to furnish to the comptroller a complete list of the same, stating the character of the material or service for which the same were rendered; and before a warrant shall be issued therefor, it shall be the duty of the

comptroller to countersign same. And the said secretary shall also make and file with the said comptroller, quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the school board during the three months next preceding such statement," so that said section, when amended, shall read as follows: Section 10. It shall be the duty of the secretary of the school board, within ten days after the annual appointment of teachers and other salaried employes, to report to and file with the city comptroller, a duly certified list of the teachers and employes so appointed, with the salary allowed to each, and a statement of the time or times fixed for the payment thereof. He shall also, as often as any action shall be taken by said school board changing the salaries of either of the officers of said board, or of any of such teachers or employes, or making a new election or appointment to any position entitling the person appointed to receive a stated salary, immediately after such action is had, in like manner file with the comptroller a certified statement and list of all changes and appointments. All claims and demands against the city or school board before they are allowed by the school board shall be audited and adjusted by the comptroller and immediately after the allowance by the school board of any claim or account it shall be the duty of the secretary of said board to furnish to the comptroller a complete list of the same stating the character of the materials and services for which the same were rendered; and before a warrant shall be issued therefor it shall be the duty of the comptroller to countersign the same. And the said secretary shall also make and file with the said comptroller quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the school board during the three months next preceding such statements.

Secretary of school board to file with comptroller certified list of teachers and other employes with salary. Comptroller to audit all claims before allowance and countersign warrants.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1891.

No. 143, A.] [Published March 27, 1891.

CHAPTER 74.

AN ACT to amend sub-section 40, of section 3, of chapter 4, of chapter 184, of the laws of 1874, entitled "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874, as amended.

SECTION 1. Sub-section 40, of section 3, of chapter 4, of chapter 184, of the laws of 1874, as amended by section 2, of chapter 311, of the laws of 1876, and as further amended by section 10, of chapter 324, of the laws of 1882, and as further amended by chapter 308, of the laws of 1883, and as further amended by chapter 460, of the laws of 1885, is hereby further amended so as to read as follows: 40th. To tax, license and regulate road vehicles of any and every kind and description, to tax, license, control and regulate auctioneers, distillers, brewers and pawn keepers, pawn brokers, loan brokers, keepers of loan offices, dealers in second-hand goods, and all persons who loan money upon the security of chattel mortgages or other chattel security, and all keepers or proprietors of intelligence offices, junk shops, and places for the sale and purchase of second-hand goods, wares and merchandise, and to tax, license, regulate and restrain hawkers, peddlers and venders of milk, and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and keepers or proprietors of gift book stores, gift concerts, and other gift enterprises, and persons therein engaged; and to fix and regulate the amount of license under this sub division, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments, or using such vehicles without license, and to regulate the

Common council may tax, license and regulate various trades, business and employments.

manner in which they shall be carried on or used; provided that no such license shall be granted for a less term than three months, nor for a longer term than one year, and that the amount to be so paid for any such license shall not be less than at the rate of one dollar per year, nor greater than at the rate of five hundred dollars per year for the carrying on either of said trades, kinds of business or employments; provided that the provisions of this act shall not apply to dealers and venders in malt, spirituous, ardent or intoxicating liquors.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1891.

No. 144, A.] [Published March 27, 1891.

CHAPTER 75.

AN ACT to amend sub-section 63 of section 3, of chapter 4 of chapter 184, of the laws of 1874, being "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sub-section 63, of section 3, of chapter 4, of chapter 184, of the laws of 1874, being an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereof, and section 11, of chapter 324, of the laws of 1882, is hereby amended so that said sub section shall read as follows: Amends chapter 184, laws of 1874.

63rd. To declare that it shall be unlawful for any hall, theatre, opera house, church, school house or building of any kind whatsoever, to be used for the assemblage of people, or for any building exceeding three stories in height, to be Buildings exceeding three stories to be provided with means for speedy egress.

used as a manufactory, hotel or boarding-house, or for any other purpose, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm, and may require and regulate the erection of ladders, fire-escapes, standpipes or other appliances for the escape of persons from such buildings, or the extinguishment of fires, and prescribe penalties for the failure to provide or maintain such means and appliances for the egress and escape of persons from such buildings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1991.

No. 371, A.] [Published March 31, 1891.

CHAPTER 86.

AN ACT to amend chapter 332 of the laws of 1889, entitled, "An act to incorporate the city of New Lisbon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 332, laws of 1889.

SECTION 1. Section 4, chapter 9, of chapter 332, of the laws of 1889, is hereby amended by striking out the words "the city clerk" where they occur in the tenth line of said section, and inserting after the word "appointed" in said line, the words, "said board may appoint a clerk who," so that said section shall read as follows: Section 4. The said school commissioners so appointed shall constitute a board to be designated "The board of education of the city of New Lisbon." Said board shall appoint and hold stated meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year the members thereof shall elect one of their members president and whenever he shall be absent a president *pro tempore* may be appointed, and said board may appoint a clerk who shall be clerk of the board of education

Board of education, how constituted; powers and duties of.

and of the high school board, and shall take the annual census required under the general laws of the state relating to common schools. The said commissioners shall not receive any compensation for their services.

Amends chapter 332, laws of 1889; duties of school clerk.

SECTION 2. Section 5, of said chapter 9, is hereby amended by striking out the words, "the clerk of said board shall visit the schools in the city at least once in each month, and report their condition to the board of education with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing school house grounds and appurtenances thereunto belonging," where they occur between the word "therefore" in the tenth line, and the word "when" in the eighteenth line of said section.

Repealed.

SECTION 3. Section 28, of chapter 13, of said chapter 332, is hereby repealed.

Amends chapter 332, laws of 1889; city officers.

SECTION 4. Section 1, of chapter 3, of said chapter 332, is hereby amended by striking out the words "and one city marshal," where they occur in the third line of said section and by inserting after the word "assessor," where it occurs in the second line of said section the word "and," so that said section so amended shall read as follows: Section 1. The elective officers of said city shall be a mayor, treasurer, assessor, and one police justice from the city at large, and one supervisor, two aldermen, one justice of the peace and one constable for each ward. All other officers necessary for the proper management of the affairs of said city shall be elected by the common council.

SECTION 5. This act shall take effect and be in force from and after its passage and publication

Approved March 26, 1891.

No. 313, A.] [Published March 31, 1891.

CHAPTER 94.

AN ACT to incorporate the city of Chetek, Barron county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

INCORPORATION.

Corporate boundaries, name and powers.

SECTION 1. All that district of country known and described as south half of section nineteen, section thirty, west half of section twenty-nine, of township thirty-three, range ten west, and the southeast quarter of section twenty-four, and east half of section twenty-five, of township thirty-three, range eleven west, in the town of Chetek, county of Barron and state of Wisconsin, is hereby set off from said town, and the said district of country shall be a city by the name of Chetek and the people now inhabiting and who shall hereafter inhabit the said district of country shall be a municipal corporation by the name of the city of Chetek, have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted and the powers and authority thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in all courts of law and equity, shall be capable of purchasing, receiving, holding, occupying and covering real and personal property; shall have a common seal and may change the same at pleasure.

CHAPTER II.

WARD BOUNDARIES.

Ward boundaries.

SECTION 1. The said city is hereby divided into two wards to be called and known as the First

and Second wards, which are limited and bounded as follows: All that portion of said territory lying south of a line running east and west through and along the center of Moore street, in second addition to village of Chetek, produced to the east and west boundaries of said city, shall be known as the First ward. All that portion of said territory lying north of said line running east and west through and along the center of Moore street, produced shall be known as the Second ward.

First ward

Second ward.

CHAPTER III.

CORPORATE AUTHORITY.

SECTION 1. The corporate authority of said city, and the exercise of its corporate powers and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two aldermen from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned, or may be created under this act.

Corporate authority, how vested.

CHAPTER IV.

ELECTIONS.

SECTION 1 Said city shall constitute a single election district for all elections, both general and special, but the common council of said city may, for any general or special election, divide or be required to divide, said city into two or more election districts, according to the provisions of section 27, of the revised statutes, and the acts amendatory thereof.

Election districts.

SECTION 2. Inspectors and clerks of election in said city shall be appointed from the city at large, and in accordance with the provisions of section 25, of the revised statutes, but the city clerk and members of the common council may be so appointed, and the fact that such clerk or member of the common council is a candidate

Inspectors and clerks of election.

for re-election to his office, shall not preclude such officer from serving as such clerk or inspector.

Annual election, when held. Qualification of voters, canvass of votes and returns.

SECTION 3. The annual election for ward and city officers shall be held on the first Tuesday of April in each year at such place as the common council shall direct. The city clerk shall give at least ten days' notice of such annual election or other city elections, stating the time and place of holding the same, the officers to be elected thereat and also of any special action to be taken or asked at such meeting, by posting copies of such notice in at lest five different places in said city; provided, however, that a failure to give such notice shall not invalidate any election held in said city on the first Tuesday in April in any year. All persons qualified to vote at general elections for state officers shall be legal voters in said city. Such annual election and other city elections held in said city, except as in this act provided, shall be conducted and the result canvassed and certified as in case of general elections for cities; and except as modified by this act every statute relating to holding general elections for cities, canvassing and certifying the result thereof, and relating or applicable to the duties of inspectors and clerks, the challenging of votes and to voting thereat, and every statute prescribing or punishing offenses for illegal voting, bribery, fraud, deceit, corruption, official delinquency or other offense, at or concerning elections, which is applicable to general elections for cities, is hereby extended and applied to such annual and other city elections held in said city.

Council to provide ballot boxes.

SECTION 4. The common council of said city shall provide two ballot boxes, numbered one and two, to correspond with the two wards aforesaid, to be used at elections under this act, whereat aldermen and supervisors are to be elected.

Elective officers; term of.

SECTION 5. The elective officers of said city shall be a mayor, treasurer, assessor, city clerk and one justice of the peace, elected by the city at large, and two aldermen and one supervisor from each ward. All elective officers except justice of the peace shall, unless elected to fill vacancy, hold their respective offices for one year and until their successors are elected and qualified; provided, however, the council shall

have power, for due cause satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except justice of the peace, due notice and an opportunity for hearing being first given to the officer proposed to be removed. The justice of the peace shall hold his office for two years and until his successor is elected and qualified. The term of every officer elected under this act shall commence on the second Tuesday of April, of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Eligibility to office.

SECTION 6. No person shall be eligible to any office of said city unless he shall be a resident elector of said city, nor to any ward office unless he be a resident elector and freeholder of the ward for which such officer is to be chosen, and otherwise qualified to perform the duties of the office to which he may be elected or appointed.

Election of supervisors.

SECTION 7. At the annual election for ward and city officers, in said city of Chetek, there shall be elected in the manner in which aldermen are elected in said city, one supervisor from each ward, who shall represent his ward in the county board of supervisors, and in his absence or inability to attend any session of the county board, the common council shall have power to appoint some suitable and qualified person from his ward to serve in that capacity.

Officers, when and how elected; elections to be conducted same as general elections.

SECTION 8. The elective officers shall be elected at the annual election to be held on the first Tuesday in April of each year. At such election, each elector, in addition to voting for mayor, treasurer, assessor, city clerk and justice of the peace to be elected by and for the city at large, shall vote only for the two aldermen and one supervisor to be elected by and for the ward in which the elector voting resides; and no elector shall vote for more than two aldermen and one supervisor, and the aldermen and supervisor voted for must be residents of the same ward with the elector. All elections held in said city after the first or charter election to be held the first Tuesday of April, 1891, shall be held and conducted as is provided by the general law of the state, relating to general city elections. The mayor, treasur-

er, assessor, city clerk and justice of the peace to be chosen from the city at large, and the aldermen and supervisor from the several wards as aforesaid, wherein they reside, and if any ballot has more than two persons named thereon for aldermen and one for supervisor, it shall not be counted as a ballot for alderman or supervisor, but shall for the other persons properly named thereon. The ballot for each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box otherwise than the one corresponding in number to the ward wherein the person named in such ballot for aldermen and supervisor resides, shall be counted. Immediately after closing the polls, the ballots in each box shall be counted separately by the inspectors and clerks, and persons named on the ballots in any box for aldermen and supervisor, who shall have received the largest number or plurality of all the votes cast by the electors of the ward corresponding in number with box, shall be declared elected aldermen and supervisor of such ward, and the candidates for mayor, treasurer, assessor, city clerk and justice of the peace, who shall receive the largest number of all the votes cast for such offices shall be declared elected thereto respectively. If any alderman or supervisor shall change his residence from the ward for which he shall have been elected his office shall become vacant, and the common council of said city shall by resolution so declare and appoint a suitable person to fill the vacancy. For the purpose of carrying out this act, a person's residence shall be deemed to be in that ward where his family resides, and where he has his lodgings and sleeps at night.

Vacancies, how occasioned and filled.

Ward poll list. General law penalties for illegal voting to apply.

SECTION 9. At each annual election the inspectors of election shall cause two poll lists to be made and numbered one and two, to correspond with the two wards hereinbefore provided for, and every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerks of election shall enter his name on the list numbered so as to correspond with the ward in which he resides. If any person is not a qualified voter in the ward in which he gives his name and will-

fully and knowingly gives his name as belonging to a ward in which he does not reside, under the provisions of this act, or shall willfully and knowingly allow his ballot to be deposited in a box not corresponding in number to the number of the ward in which he resides, he shall incur all pains and penalties provided by any general law of this state for illegal or fraudulent voting.

Statement of result to be filed. Same to be prima facie evidence.

SECTION 10. Immediately after counting the ballots at any election under this act, the inspectors and clerks of election shall, under their hands and the seal of such city, make a written statement of the results of such election, and attach thereto the oaths of the inspectors and the clerks and the two poll lists kept at such election, and shall cause the same to be filed in the city clerk's office, and the said statement to be recorded in the records of said city; and the said statement or record shall be *prima facie* evidence, in all courts and before all tribunals of the statements therein contained. Immediately after filing such statement the city clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of his election, under his hand and the seal of said city.

First city election; time and place of.

SECTION 11. The first city election of said city of Chetek, for the election of city officers, shall be held on the first Tuesday of April, 1891, in Odd Fellows hall in said city, and at said election, at the time of opening the polls, the electors present shall choose *viva voce*, from all qualified electors present, three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall, before entering on the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Three days previous notice of said first election shall be given, signed by the sheriff of Barron county, Wisconsin, stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city; provided, however, that a failure to give such notice shall not invalidate said election. The first or charter election for said city shall be held and conducted, and the result certified as at annual town meetings for the elec-

tion of town officers except as otherwise provided in this act.

Appointive officers; how and when chosen.

SECTION 12. All other officers necessary for the management of said city, shall be appointed by the common council thereof, and the said common council shall at its first regular meeting in each year, appoint one marshal, one street commissioner, and such other officers as the council shall deem necessary to appoint at the time. In case the council shall, for any reason fail or neglect to appoint a marshal, or street commissioner, or either of them, at its first regular meeting in each year, the mayor shall call a special meeting of the common council to be held within fifteen days after such regular meeting, at which special meeting, the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting.

Officers elected, clerk to transmit statement of to the county clerk.

SECTION 13. Immediately, after any corporation officer shall be elected or appointed and qualified, the clerk of said city, shall, under his signature and corporate seal of the city, make out a certified statement containing the names of the persons elected or appointed and qualified, and the office to which each shall have been selected or appointed and qualified, and he shall transmit said statement to the county clerk of Barron county, and he shall transmit to the clerk of the circuit court of said county, such report as to the election or appointment of justices of the peace and marshal in said city, as is provided for in subdivision 4, of section 832, of the revised statutes of 1878.

Surety; members of council not to be accepted.

SECTION 14. No member of the common council shall be accepted as surety upon any bond, note or obligation, made to the city.

Office with compensation; members of council barred from accepting

SECTION 15. No alderman or member of the common council, while holding such office, shall be appointed to, or be competent to hold any office of which the compensation is paid by the city, excepting inspector of election.

Report of fiscal affairs.

SECTION 16. The mayor and the city clerk shall attend the annual election in said city at one o'clock in the afternoon and submit to the electors present a verified report of the fiscal affairs of the city for the year last past, and the electors present may thereupon, by *viva voce* vote, authorize such

appropriations as by the terms of this act are required to be authorized by them.

CHAPTER V.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as hereinafter provided shall create a vacancy in such office, and the removal of any alderman and supervisor from the ward for which he shall have been elected, shall create a vacancy in the office held by him. Vacancies, how created.

SECTION 2. For good cause shown the common council may remove any officer elected or appointed under this act, except mayor; but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place when and where the council will hear testimony to prove and disprove the same, shall be served upon such officer at least ten days before time appointed for such hearing, and the officer against whom charges shall be filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him. Removals, how made.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any other office than that of mayor, the common council shall fill such vacancy by appointment at its next regular meeting called for that purpose; every person elected or appointed to fill a vacancy, shall hold the office to which he shall have been elected or appointed for the unexpired term of his predecessor and until Vacancies, how filled.

his successor shall be elected or appointed and qualified.

CHAPTER VI.

Oath of office to be filed with city clerk; bonds to be approved.

SECTION 1. Every person elected or appointed to fill any office under this act, before he enters upon the discharge of the duties of his office, shall take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, justice of the peace, marshal and such other officers as the common council may direct shall severally before they enter upon their respective offices, execute to the city of Chetek, a bond to be approved by the common council, in such sum and with such sureties and conditions as the common council may direct, and the common council may, from time to time require new and additional bonds, and remove from office any officer refusing to give the same.

Mayor, his powers and duties.

SECTION 2. The mayor when present shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of moneys, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city, discharge their respective duties. He shall from time to time, communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require; in case of a riot or other disturbance or apparent necessity he may appoint as many temporary policemen as he may deem necessary. He shall have power to administer oaths or affirmation, and when presiding over any meeting of the common council shall have a vote only in case of a tie.

SECTION 3. At the first regular meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot one of its members president, who, in absence of the mayor, shall preside over the meetings of the common council and during the absence of the mayor from the city, or his temporary inability from any cause to discharge the duties of his office, the president shall execute all the duties of the mayor. The common council, in case the mayor and the president shall both be absent from any meeting thereof, shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of the mayor. The president or temporary presiding officer while presiding over the council or performing the duties of the mayor, shall be styled "Acting Mayor," and acts performed by him as acting mayor shall have the same force and validity as if performed by the mayor.

President of council, his powers and duties.

SECTION 4. The city clerk shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep in a book to be provided for the purpose, a correct record of the proceedings of the common council and of the doings and votes of the inhabitants of said city at their annual and other elections; he shall keep a full and accurate acount of all orders drawn on the treasury, in a book to be provided for that purpose, shall keep all accounts of the city with individuals and shall also keep an accurate account with the treasurer, and charge him with the amounts of all tax lists delivered to him for collection and all sums of money paid into the treasury. He shall within fifteen days after its publication record in a book to be provided for that purpose, each ordinance passed by the common council and the proof of publication of such ordinance. The records so kept by him, and the papers filed in his office, and copies of said records and papers, duly certified by said clerk under the corporate seal, shall be received in evidence of the statements therein contained in all courts and tribunals. He shall likewise draw and countersign all orders on the treasury, in pursuance of an order or resolution of the common council and keep a full and accurate account thereof in books provided for that

City clerk, his powers and duties.

purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed shall be as valid and have the same effect as if filed in the town clerk's office of any town. It shall be his duty to do and perform every act required to be done by the clerks of towns not inconsistent with the provisions of this act, and shall have authority to administer oaths and affirmations, and shall receive a compensation to be fixed by the common council. Such clerk may appoint a deputy, subject to the approval of the common council, to act in the absence or disability of the clerk.

Treasurer, his powers and duties.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city or by the laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written or printed order, signed by the mayor and countersigned by the clerk, by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom, and the purpose for which it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city and in which he shall note the several sums received by him, the time when, the person from whom, and the source from which each sum was received, and the said book shall at all reasonable times be open to the inspection of the electors of said city. He shall annually, and as often as the common council shall require, render to the common council a minute account of his receipts and disbursements, and at the expiration of his term of office, pay over and deliver to his successor all moneys, books, papers and vouchers in his possession belonging to said city.

Assessor, his powers and duties.

SECTION 6. The assessor shall assess all taxable property of the city of Chetek as required by law,

without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine.

Marshal, his powers and duties.

SECTION 7. The marshal of said city shall attend the meetings of the common council, and in addition to the duties herein specifically named, shall perform such other duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license moneys, fines, penalties and forfeitures; he shall possess all the powers of constables of towns, and be subject to the same liabilities; he may serve any process directed to him or to the sheriff or any constable of Barron county. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets and alleys of said city, to abate all nuisances in said city, and to arrest with or without process, any person whom he shall find in any public place of said city in a state of intoxication, or making loud and boisterous noise, or guilty of any act of lewdness or obscenity, or whom he may find in any place in said city engaged in any affray or fight, or violating any ordinance, rule, regulation or resolution of said city made for the preservation of the peace and the good order thereof, or violating any law of this state, and having so arrested any such person, he shall, within reasonable time thereafter, take him before competent authority, to be dealt with according to law; it shall also be his duty to obey all written orders of the common council, and for all such services as are usually rendered by constables he shall receive the same fees as constables, and for other services rendered to said city he shall receive such compensation as the common council shall fix by order, ordinance or otherwise.

Poll tax; council may impose.

SECTION 8. The common council of said city shall have and is hereby granted power to tax annually each male inhabitant within the corporate limits of said city, not by law exempt from such labor, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax, and to be ap-

propriated to the improvement of streets, roads, alleys and crosswalks in said city.

When and how made.

SECTION 9. On or before the twentieth day of May in each year, the street commissioner shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay such poll tax, with the amount thereof set opposite each person's name, and submit to the common council for correction. When such list is correctly made out on or before the first day of June in each year, the board shall by order (to be signed by the mayor and clerk, and annexed thereto) direct the same to be delivered forthwith to the street commissioner for collection.

Poll tax; street commissioner to notify when same shall be worked; may be paid in money. Penalty for default.

SECTION 10. The street commissioner shall notify each male inhabitant to whom a poll tax shall be so assessed, to appear at a certain time and place in his ward, with such tools as the street commissioner shall direct, such notice to be not less than three nor more than five days; if the person notified shall appear and work for one day agreeable to the order of such street commissioner, he shall, if he demands, receive a receipt for the poll tax so assessed; provided, however, that the person so assessed may, at his option, pay such poll tax in money, and if any person neglects to pay the same for two days thereafter, the street commissioner shall, in the name of the city, sue for and collect such tax with fifty *per centum* damages for the same, with costs of suit, before the justice of the peace of such city, and in default of payment of such judgment, execution shall issue against the defendant as in case of tort, and the first process in such action shall be by civil warrant; and the street commissioner shall account for such taxes by him collected, in the same manner as for other moneys coming into his hands by virtue of his office. And the street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable the same as if their names were originally placed in such list.

Street commissioner, his duties and compensation.

SECTION 11. It shall be the duty of the street commissioner of said city to build, construct, maintain and repair all such sidewalks, cross-

walks, streets and alleys, highways and bridges of said city, as the common council shall direct him to build, construct, maintain and repair; and for all services rendered by him, by direction of the common council, he shall receive such compensation as the common council shall fix by order, ordinance or otherwise.

Additional duties.

SECTION 12. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city, and used upon the streets of said city; he shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all persons and teams employed by him, where employed, and what materials used and where used, and the price to be paid for help, teams and material; and no bills for services or materials furnished and used upon the streets shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed by him in performing any work provided to be done by the provisions of this act; he shall also perform such other duties as the common council shall direct relative to streets, highways and bridges.

Street work; council to fix maximum price of; street commissioner to report to council.

SECTION 13. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and teams so used; it shall also be the duty of the said commissioner to make to the common council an annual report of his doings, or oftener, if required by them, giving in detail where and what work has been done or performed, where and by whom performed, the amount by him certified to the respective persons who performed work, furnished teams, materials, tools and implements, together with such other information as the said council may direct or demand. Said respective reports shall have annexed thereto an affidavit, signed and sworn to by said street commissioner before some one authorized to administer oaths, stating

that said reports are in substance and detail, true, and for any false swearing in connection with said reports by said commissioner, he shall be deemed guilty of perjury, and be subject to be punished as any one guilty of perjury under the laws of this state.

Penalty for failure of outgoing officer to deliver books, etc., to successor.

SECTION 14. If any person having been an officer in said city, shall not, within ten days after demand thereof, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, or under his control belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the city, one hundred dollars, to be disposed of according to law, besides all damages caused by his neglect or refusal so to deliver and such successor may recover the possession of such property, books, papers and effects in the manner prescribed by the laws of this state.

Officers of the peace.

SECTION 15. The mayor, sheriff of Barron county, each and every alderman, justice of the peace and marshal, shall be officers of the peace and shall suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens; and if any person or bystander, shall refuse to aid in maintaining the peace when so called, he shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

Additional duties may be required of officers.

SECTION 16. The common council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers or assistants as they may deem proper or necessary to carry into effect the provisions of this act or to protect the rights of the city, and to prescribe the duties and fix the compensation of all such other officers; but the mayor and said common council shall receive no compensation for services rendered the city, except as inspectors of election.

CHAPTER VII.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Chetek do ordain." A majority of the aldermen shall constitute a quorum.

Common council; how constituted.

SECTION 2. The common council shall hold stated meetings at such times and places as it shall by resolution direct; provided, however, that its first regular meeting shall be held the third Tuesday in April in each year; and the mayor may call, and upon the written request of not less than three aldermen, it shall be his duty to call special meetings by notice to each of the aldermen, to be served personally or left at their usual place of abode, and all their meetings shall be open to the public. The common council shall determine the rules of its own proceedings, and keep a journal thereof, and be the judge of the qualification and election of its own members, and shall have power to preserve order and propriety in its proceedings, and to compel the attendance of its members, and may adopt such by-laws, rules and regulations for its government as are not inconsistent with this act.

First annual and stated meetings of; special meetings, how called.

SECTION 3. The common council shall have the management and control of the finances, and of all the property, concerns and effects of the city; and shall in addition to the powers herein specially invested in it, have full power to make, enact, ordain, establish, punish, enforce, alter, modify, change, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, for the protection against fires, and for the benefit of trade and commerce and the public health as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, orders or by laws; and such ordinances, rules, resolutions, orders and by-laws are hereby

Control of finances; general powers.

declared to be and have the force of law; provided, that they be not repugnant to the constitution or laws of the United States or the constitution of this state.

Power to make necessary provisions for safety against fire.

SECTION 4. The common council shall have power to organize, support and maintain fire companies, to regulate their government and the time and manner of their exercise; to provide all necessary engines, hose and hose carts, hooks and ladders and trucks and other necessary apparatus for the extinguishment of fires; to provide the necessary buildings for the safe and proper keeping of all such engines, hose and carts, hooks and ladders and trucks and other apparatus; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenance to the real estate, exempt from seizure, distress or sale, in any manner for debt, separate from the real estate, and if the owner shall neglect, after ten days' notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment thereof, the city may recover of such owner the cost of such ladders or fire buckets, or both together, with the cost of procuring and delivering them to him, and the costs of suit, and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter at all reasonable times and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover if any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; to regulate the manner of putting up stoves and stovepipe; to prevent fires and the use of any fire works and firearms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires; to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of a fire as it shall deem necessary for the purpose of preventing its communication to other

Gunpowder; sale and storage of.

Fire wardens.

Fireworks.

buildings; to construct, maintain and preserve reservoirs, pumps, cisterns, wells and other water works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper. Reservoirs.

SECTION 5. The common council shall have power by order, ordinance, rule, resolution, regulation or by-law: Powers of common council enumerated.

First. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided, and pursuant to the laws of this state Taxes.

Second. To license and regulate the exhibition of common showman, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables or other tables for gaming. Licenses.

Third. To prevent any riots, noises, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances or laws of this state, or at common law. Riots.

Fourth. To compel the owners or occupants of any grocery, cellar, slaughter-house, tallow-chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesone or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, or the inhabitants of any part thereof. Nuisances.

Fifth. To direct the location and management of slaughter-houses, and to prevent the erection, use and occupation of the same within the limits of said city, and to regulate the keeping and storing of gunpowder and other combustible materials. Slaughter houses.

Sixth. To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, fire-wood, or any other materials or substances whatever. Prevent incumbering of streets.

Seventh. To prevent horse-racing, fast or immoderate riding or driving on the streets. Horse racing.

Eighth. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and Cattle running at large.

geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

Ninth. To license the keeping and prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinances.

Pound.

Tenth. To make and establish a pound, purchase the necessary grounds and materials for the same and appoint a pound master.

Putrid carcasses and unwholesome substances.

Eleventh. To prevent any person from bringing, depositing or leaving within said city any putrid carcass or other unwholesome substances and to require the removal of the same by any person who shall have upon his premises any such substances, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person.

Stagnant water.

Twelfth. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of the city, or any part thereof, to fill up such lots, so as to prevent water from standing thereon, and in case any owner shall neglect so to fill up said lot or lots after thirty days' notice being served on him personally, or posted at some public place in the vicinity of said lot or lots, or at the postoffice in said city, the common council may cause the same to be done, and may levy and collect a tax on said lot or lots sufficient to pay the expense of so filling such lot or lots and the cost of giving such notice, in like manner as other corporation taxes are levied and collected.

Contagious and infectious diseases.

Thirteenth. To regulate, control and prevent the landing of persons from railroad cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Removal of snow, etc., from sidewalks.

Fourteenth. To compel the owners or occupants of lots or parts of lots or land, to remove snow, ice, dirt or rubbish from sidewalks, streets or alleys opposite to such lots or parts of lots or lands, and in default of such owners or occupants removing the same, to authorize the removal thereof by some officer of the city at the expense of such owner or occupant, and to levy and collect a tax upon such lots or parts of lots or lands to

pay such expense, in like manner as other corporation taxes are levied and collected.

Fifteen. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the returns of bills of mortality. Boards of health.

Sixteenth. To make, lay out, open, keep in repair, grade, improve, alter, widen, vacate, or discontinue streets, lanes, alleys, public grounds, sewers, gutters and sidewalks, to keep them free from incumbrances, and to protect, maintain and regulate the setting out of shade or ornamental trees on the public grounds or in the streets of said city. Streets.

Seventeenth. To prevent any person from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city or in any way doing damage to such sidewalks. Damage to sidewalks.

Eighteenth. To regulate the police of the city; to appoint watchmen and firemen, prescribe their duties, fix their compensation and punish their delinquencies. Police.

Nineteenth. To provide for the exemption from highway and poll taxes of all persons belonging to any fire company, hose company, or hook and ladder company organized in said city or under this act Exemption from highway and poll taxes.

Twentieth. To call regular and special meetings of the voters of said city, prescribe the compensation of the clerk and other officers whose compensation is not herein fixed; to examine, audit and adjust the accounts of all persons; but the members of the common council shall receive no compensation whatever for their services as officers of said city except as inspectors of election. Meetings of voters.

Twenty-first. To prohibit the erection or construction of wooden buildings on such streets, alleys or blocks, as the public safety may, in its judgment, seem to require. Wooden buildings.

Twenty-second. To insure the public property of said city. Insurance.

Twenty-third. To direct the prosecution and defense of actions in which said city may be a party, or otherwise interested, and to employ counsel for that purpose. Actions at law.

Twenty-fourth. To procure the necessary blank books for records, accounts, orders, etc., Stationery.

and such stationery as may be required for city purposes.

Speed of trains.

Twenty-fifth. To regulate and control the running of engines and cars through said city, and the rate and speed of the same, and to prevent the incumbering of streets, lanes, alleys, highways, sidewalks and crosswalks with railway cars or engines, or any other substance or material pertaining to railways.

Drunkenness.

Twenty-sixth. To restrain drunkenness, immoderate drinking or obscenity in the streets or public places in said city, and to provide for the arresting, removing and punishing of any person who may be guilty of the same.

Fire-arms.

Twenty-seventh. To prevent the shooting of fire-arms or fire-crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to any citizen thereof.

Pest-house.

Twenty-eighth. To establish and maintain a pest-house whenever necessity or the public health may require.

Street lighting.

Twenty-ninth. To erect and maintain lamp posts along any of the streets or on the public grounds of said city, and to protect the same from injury, and to prevent interference therewith, and to light the streets, public grounds and buildings of said city.

Cemetery grounds.

Thirtieth. To provide and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same; to provide by ordinance or resolution for the punishment by fine or imprisonment of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery, plants, gravestones, monuments, railings, buildings or fixtures or improvements on the same, or by violating any ordinances or regulations of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on

physicians, sextons and others for any default in the premises.

Thirty-first. To license, regulate, restrain or suppress hawkers, auctioneers, so-called cheap Johns, transcient dealers and persons who travel from place to place to sell goods, wares or merchandise; and sales by hawkers, auctioneers, so-called cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise within the limits of said city, and when licensed, to fix the amount to be paid for such license, and no hawkers, auctioneers, so-called cheap Johns, transient dealers or persons who travel from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery or greenhouse products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named or the holder thereof, to make any of the sales herein inhibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale, shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance, passed pursuant thereto. Hawkers and auctioneers.

Thirty-second. To provide by ordinances for the measuring or weighing of wood, coal, lime, and other articles sold in said city. Wood, coal, etc.

Thirty-third. To let by contract to the lowest bidder, all work to be done for said city. Public work.

Thirty-fourth. To remove, for good cause shown, any officer of said city, except mayor. Removals.

Thirty-fifth. To grant licenses and permits to sell liquors in said city, under the conditions and restrictions of the general laws of this state. Liquor licenses.

Penalties for violation of ordinances.

SECTION 6. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, resolutions, or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinances, resolutions or by-laws not exceeding fifty dollars for any one offense, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the persons charged shall be imprisoned in the city jail for such time as the council may by such ordinance direct, not exceeding six months for any one offense.

Ordinances; how passed; mayor to sign; when to take effect.

SECTION 7. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper, published in the city of Chetek, before taking effect, and within fifteen days thereafter, they shall be recorded by the city clerk, in books provided for that purpose; but before any of such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the same time, shall be proven by the affidavit of the foreman or publisher of the newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

CHAPTER VIII.

FINANCE AND EXPENDITURES.

City funds; how kept; how drawn upon.

SECTION 1. All moneys, credits and demands, belonging to said city, shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of said council, as herein provided, and in no other manner.

Fines and penalties made a part of general fund.

SECTION 2. All fines, forfeitures and penalties accruing to said city, for the violation of any ordinance, by-law, rule or regulations of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund.

SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid nor any part thereof. Before the final disposition of any such account or claim, the same shall be endorsed as follows: If allowed in part or in whole, the word "allowed" and the amount allowed shall be endorsed thereon, and if disallowed the word "disallowed" shall be endorsed thereon, which endorsement shall be made and signed by the clerk. A memorandum of each and every account and claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim has been allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached, and every account or claim presented in any year shall be numbered from one upward, and filed by the clerk in the order in which they were received.

Accounts to be verified; disposition of by council; clerk to keep a list of.

SECTION 4. No action shall hereafter be maintained by any person against the city of Chetek upon any claim or demand other than a city bond or order, unless such person shall first have presented his claims or demand to the common council of said city.

Claims to be presented to council before action can be brought against city.

SECTION 5. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court of Barron county, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision.

Claimant may appeal.

SECTION 6. The city clerk upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, and shall take such measures as by the ordinances or resolutions of said council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with

Upon appeal clerk to notify council and file statement with clerk of circuit court.

its decisions thereon, and shall file the same together with all papers in the case in his possession, with the clerk of the circuit court, for the county of Barron, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest, upon such allowance, the appellant shall pay costs, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered judgment shall be rendered against the appellant for the amount of such excess.

Disallowance of claim, when final and a bar to action.

SECTION 7. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken as hereinbefore provided, or the common council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim duly presented to it, this chapter shall not be construed to prevent the institution and maintenance of action by said claimant against said city.

Orders upon treasury, how drawn; receivable for taxes.

SECTION 8 All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any fund in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city.

Expenditure for extraordinary purposes, how authorized.

SECTION 9. No sum of money exceeding one hundred dollars shall be expended for any special or extraordinary purposes, unless said expenditure shall have been authorized by a vote in favor thereof, of a majority of the qualified electors of said city voting, as by this act provided at the annual election or any special election called for that purpose.

Debts, how authorized.

SECTION 10. No debt shall be contracted against the city, or order drawn upon the city treasurer unless the sums shall be authorized by

a majority of all the aldermen, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Orders on treasury, not to be drawn, when.

SECTION 11. No orders shall be drawn upon the treasury unless there be a tax levied or there be sufficient funds in the treasury to pay the same, and all other unpaid orders of the city.

CHAPTER IX.

ASSESSMENT AND TAXATION.

What property taxable; powers and duties of assessor.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be modified by this act; provided, however, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Board of review, how constituted.

SECTION 2. The mayor, city clerk, city treasurer, and city assessor shall constitute a board of review for said city, and all the provisions of the the general statutes of this state in regard to assessments and boards of review, shall, except as modified by this act, be applicable to the assessments and board of review in said city.

Taxes for general and city purposes, voters to determine amount at annual election; special taxes.

SECTION 3. At the annual election on the first Tuesday in April in each year, the qualified electors of said city shall by a *viva voce* vote in the manner that the electors of towns, at the annual town meetings are now by law authorized to vote to raise money for the expenses of the town, determine the amount of taxes to be levied for general and city purposes, and also the amount necessary to be levied for special purposes, and shall

by resolution levy the same. The clerk of the city shall keep a full and accurate record of such proceedings, in the proper book of records of the city. The common council shall have no power to incur or create any debt against said city in excess of the amount so levied, unless voted by the qualified electors of said city at a special election called and held for that purpose.

Board of supervisors to levy tax without regard to division of city into wards.

SECTION 4. The board of supervisors of Barron county may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town.

Tax roll, how made; same to be delivered to treasurer.

SECTION 5. The city clerk shall make and carry out the tax roll as provided in sections 1078 and 1079, of the revised statutes, and acts amendatory thereof, and immediately after making out the tax roll as aforesaid, a warrant shall be appended thereto, signed by the city clerk and sealed with the corporate seal of said city, substantially in the form provided for town clerks; and said clerk shall, under like restrictions as provided for town clerks, deliver the same to the city treasurer for collection, and charge the amount of the tax roll to the treasurer.

Treasurer to collect tax; subject to same restrictions as town treasurers.

SECTION 6. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers and shall be subject to like requirements, liabilities and restriction as a town treasurer, except as otherwise provided in this charter. The fees of the city treasurer shall be the same as provided by law for town treasurers for similar purposes.

Return to county treasurer, when to be made, what to contain.

SECTION 7. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Barron county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer in like manner, as is now, or may hereafter be required of town treasurers; and all the taxes, general or special, so

returned as delinquent shall be held and collected as provided in chapter 49, of the revised statutes, and all the provisions of chapter 49, of the revised statutes of 1878, and acts amendatory thereof, shall extend to and may be enforced to collect any delinquent personal property tax.

Delinquent lands, sale of by county treasurer.

SECTION 8. The county treasurer shall sell all delinquent lands and lots returned from the city of Chetek, at the same time and in the same manner as other delinquent lands are sold in the county.

Error or informality not to affect validity of assessment or tax, when.

SECTION 9. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making returns of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or in any wise affect the validity of the assessment or tax.

Omitted real estate to be reassessed for tax of previous years.

SECTION 10. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases when property shall be re-assessed or re-assessable as provided by the general laws of this state, the common council shall, in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted or such re-assessment had not been necessary.

General laws for the assessment and collection of taxes made applicable.

SECTION 11. All the general laws of this state which now or hereafter may be in force relative to the assessment and collection of taxes, shall be in force in said city except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers, except as herein otherwise provided.

CHAPTER X.

BUILDING AND RECONSTRUCTING SIDEWALKS.

Sidewalks, construction and repair of; council to control.

SECTION 1. The common council shall have power and they are hereby authorized to compel the building, repairing, and re-construction of sidewalks in said city of Chetek, to control and regulate the material, use and construction of the same,

and to levy special taxes on the adjoining property for the building, repairing or re-construction of the same in the manner hereinafter provided.

Sidewalks, petition for construction of.

SECTION 2. Whenever one-half the owners of real estate or lots bordering on any one side of any street or part of street in said city not less than fifteen rods in length, and the owners of at least one-half of the street frontage on said side of street, or part of street, shall desire to have a sidewalk built along the line of such real estate or lots, they shall make out in writing and sign a petition to the common council in which shall be stated the points where they desire such sidewalk to commence and terminate, and request the common council to order that such sidewalk be built.

Proceedings upon petition for sidewalks; council to determine grade, material, etc.

SECTION 3. At the next or any regular or special meeting after such petition shall have been so filed, the common council shall enter an order among its records, requiring a sidewalk to be constructed along such street, part of street or side of street as prayed for in such petition; the common council shall, in such order, designate and determine the street or side of street, along which such sidewalk shall be constructed; may prescribe the manner of its construction, the materials of which it shall be composed, the grade for the same and method of determining the grade, and the time within which the owner or owners of the lots or lands along such street or side of street, shall construct the same, and shall further declare therein that in case the owner or owners of any such lot or lots, or of any such lands, shall fail to so construct such sidewalk along the lot or lots, or part of lot or lots, or along the lands so owned by him or them within the time limited in said order, the city will construct such part thereof, as such owner or owners have so failed to construct and charge the costs thereof to the lot or lots, or part of lot or lots, or to the land along which the city shall have so constructed such sidewalks.

Notice to construct sidewalks; how given.

SECTION 4. Within ten days after said order shall have been entered as aforesaid, the street commissioner of said city shall serve the same upon all the owners of the lots or the lands on the street or parts of street or side of street along which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the

usual place of abode of such owners in said city; in case any owner or owners of such lot or lots or part of lot or lots, or of such lands, shall not reside in said city, or his or their name or names shall be unknown to the street commissioner, then such order shall be served on such non-resident or unknown owner or owners by publishing the same in such newspaper published in said city at least once, and at least ten days before the expiration of the time in said order for the construction of such sidewalks. As soon as the street commissioner shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof, and in case the said order shall have been published as hereinbefore provided, he shall attach to his return and file therewith the affidavit of the publication thereof in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

Owner may construct, when.

SECTION 5. At any time after said order shall have been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands on the street, part of street or side of street along which such sidewalk is to be constructed, may, at their own expense and in the manner and of the width, grade and material designated in such order, construct such sidewalk along said lot or lots, or part of lot or lots, or along the said land owned by them respectively.

Street commissioner to examine and report.

SECTION 6. Within ten days after the expiration of the time limited in such order for constructing such sidewalk, the street commissioner of said city shall examine the street, part of street or side of street along which such sidewalk shall have been ordered to be so constructed, and within said ten days shall make and file with the city clerk a report in writing signed by him as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been and what part, if any, has not been constructed in conformity with such order, and shall describe the lots or lands, if any, along which the sidewalk has been so constructed as well as the

lot or lands, if any, along which it has not been so constructed.

Street commissioner to construct, when.

SECTION 7. If it shall appear by such report of the street commissioner, that any part of such sidewalk has not been constructed in conformity with order aforesaid, the common council shall direct the street commissioner to proceed at once to construct in conformity with said order such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

Expense of construction, statement of to be filed.

SECTION 8. Immediately upon completing his work the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which he shall state the total expense actually incurred by him in so constructing that part of said sidewalk so constructed by him, and also the actual expenses incurred by him in so constructing the part of such sidewalk in front of each lot, or part of lot, or land along which it appears by his report the owner or owners of such lot, or part of lot, or land had failed as aforesaid to construct such sidewalk, and such expenses shall be paid out of the general fund of the city.

Special assessment for sidewalks on owner's default, how levied.

SECTION 9. At any regular or special meeting after such statement shall have been so filed, the common council shall, by resolution, levy and assess upon such lot or part of lots or lands in front of which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as it appears by said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same as appears by said statement, and said resolution shall describe each of said lots or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of taxes so levied and assessed upon each such lot or part of lots or lands.

Same to be collected or returned delinquent, how.

SECTION 10. The clerk of said city shall insert in a seperate column in the tax list of his city next thereafter to be delivered to the city treasurer for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto as appears by the copy of such resolution or resolutions so delivered to him as

aforesaid and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law, and the lots or parts of lots or lands upon which such special taxes may be so levied and assessed, may be sold and conveyed for non-payment thereof in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

Repair and re-construction of sidewalks, council to order; street commissioner to do, when.

SECTION 11. Whenever it shall be necessary in the opinion of the common council to repair or re-construct any sidewalk, the common council may cause such sidewalk to be repaired or re-constructed at the expense of the owners of the lots or lands abutting on such sidewalk in the same manner as it is authorized to construct new sidewalks, except that no petition of the lot or land owners or of any one else shall be necessary to authorize the council to cause such sidewalk to be repaired or re-constructed; provided, however, that when any sidewalk shall be in an immediately dangerous condition and the cost of repairing the same opposite any one lot or piece of land shall not exceed five dollars, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city, to repair such sidewalk, and if such owner shall not at once proceed to repair the same, the street commissioner shall at once proceed to repair the such dangerous sidewalk, and the cost of such repairs shall be paid by the city, levied upon and collected from the lots and lands abutting on such dangerous sidewalk in the same manner as the cost of constructing new walks are paid, levied and collected from the lots and lands abutting thereon.

CHAPTER XI.

STREETS AND PUBLIC GROUNDS.

Streets and alleys, council may vacate, how.

SECTION 1. The common council shall have power to vacate or discontinue any street, alley, highway or part of the same in said city upon consent in writing of the owners of all the lands abutting upon said street, alley, highway or part

thereof so vacated or discontinued, provided that no street, alley or highway or part thereof shall be vacated or discontinued so as to shut off any parcel of land from all public streets or highways without consent of the owner of such parcel of land.

When to take effect.

SECTION 2. When any street or alley in said city which appears on any recorded plat in the register of deeds office of Barron county, shall be so vacated or discontinued the order vacating or discontinuing the same shall be in force only from and after the date when a certified copy of said order shall be recorded in the office of the register of deeds of said Barron county.

Private property taken for street purposes, when; general laws to govern.

SECTION 3. Whenever the city council shall intend to lay out and open, change, widen or extend any street, lane, alley, public grounds, square, or other place, or to construct and open, alter, enlarge or extend any drain, canal or sewer, or alter, widen or straighten any water course in said city, and it shall be necessary to take private property therefor, they shall proceed in the manner prescribed by the general laws of this state for the government of village boards in such cases, and for such purposes said common council shall be vested with all the rights and powers conferred by such general laws upon village boards, and sections 895 to 903, inclusive, revised statutes of 1878, and the acts amendatory thereof, and all general laws of this state of like purpose, shall so far as applicable apply to such proceedings; provided, that in case of appeal under sections 900 and 901, of the revised statutes, and acts amendatory thereof, costs shall be awarded against appellant if the appeal be dismissed or a more favorable verdict be not obtained, otherwise against respondent.

CHAPTER XII.

JUDICIAL.

Justice of the peace, powers and duties; bonds approved, how.

SECTION 1. The justice of the peace elected under this act shall have concurrent jurisdiction with and powers and perform all the duties of justices of the peace in Barron county, and shall qualify in the same manner as provided by the

general laws of this state except that his official bond shall be approved by the mayor, and in addition thereto he shall have exclusive jurisdiction in all cases arising under the ordinances, resolutions and by-laws passed by said city council, and shall receive the same fees as a justice of the peace under the laws of this state receives for his services, but the said city shall not be liable for his fees in any case except such as shall accrue in prosecutions or actions brought for the violation of the ordinances, by-laws, rules and regulations of said city.

Appeals and writs, how taken.

SECTION 2. Appeals and writs of *certiorari* may be taken from the decisions or judgments of the said justice of the peace in the same manner and with the same effect and force as from judgments of justices of peace under the laws of this state in all actions and prosecutions in said justices' court except as hereinafter provided; the practice and proceedings shall conform as far as may be to practice and proceedings in like cases in justices' courts under the laws of this state.

Justice disqualified to act, how; proceedings when.

SECTION 3. No action brought to recover a fine or penalty for violation of any ordinance, by-law, rule, resolution or regulation of said city, shall be removed from said justice of the peace, but whenever it shall appear by affidavit, that the said justice of the peace is a material witness in the action, or is within the forbidden degree of consanguinity, said justice of the peace shall notify some justice of the peace of said county, to hear such action, whereupon it shall be the duty of said justice of the peace so notified, to forwith appear at the office of said justice of the peace on the trial of said action, in the same manner and with like effect as said justice of the peace of said city would, if not disqualified to act, and the doings of said justice of the peace so notified, while so presiding over said justice's court, shall have and be of the same force and effect as like proceedings of said justice of the peace of said city, and when said action is concluded, a like record, as in other like cases, shall be made in said court and thereafter and thereupon execution or commitment may be issued as in other cases tried before said justice of the peace. Said justice of the peace so notified while presiding over said justice's court shall receive the same

fees as are allowed by law to said justice of the peace for like service.

Vacancies, how filled.

SECTION 4. In case of a vacancy in the office of the justice of the peace of said city, or in his absence or inability to act, the justice of the peace of said county nearest by a direct line to the office of the justice of the peace of said city, or in case of vacancy, to the office of the late justice of the peace of said city, shall have all the powers and jurisdiction of such justice of the peace, and it shall be his duty to exercise the same and discharge all the duties of such justice of the peace until such vacancy is filled or absence or inability to act is removed.

CHAPTER XIII.

PROCEDURE FOR VIOLATIONS OF ORDINANCES, ETC.

Violations of ordinances; proceedings by warrant upon complaint.

SECTION 1. The city of Chetek may sue for and recover any and all penalties for forfeitures under the ordinances, by-laws, police or health regulations made in pursuance of this act, in the corporate name of Chetek, and such action shall be commenced by warrant upon a complaint substantially in the following form:

Form of complaint.

State of Wisconsin, }
City of Chetek, } ss.
Barron County. }

..... being duly sworn, complains on oath to....., that ..... did on the ..... day of ....., A. D. 18..., violate an ordinance (by-law, regulation of said city or resolution) (describing it by its title and date), in that he did then and there contrary to said ordinance, by-law or resolution (here insert the act or omission complained of), which said ..... is now in force, as this deponent verily believes, and prays that . .... may be arrested and held to answer to said city of Chetek therefor.

Sworn and subscribed before me this ..... day of ....., A. D. 18...

.....

It shall be sufficient to give the number of the section or sections, and the chapter or title and date of the ordinance, by-law, regulation or resolution violated, and said complaint may

be sworn to or before any officer authorized to administer oaths in the state. Upon filing of said complaint with the justice of the peace, a warrant shall issue thereon substantially as follows:

Form of warrant.

State of Wisconsin, }
City of Chetek, } ss.
Barron County, }

The state of Wisconsin to the sheriff of said county, or to the marshal of the city of Chetek, greeting:

Whereas..... .... has this day complained to me in writing on oath that..... .....did on the.....day of.....18.., violate.... ....an ordinance, by law, regulation or resolution of said city, which said.....is now in force and effect as said complainant verily believes; therefore, in the name of the state of Wisconsin you are hereby commanded to arrest the body of said..... ..... and him forthwith bring before the undersigned justice of the peace to answer to said city of Chetek on the complaint aforesaid.

Given under my hand this .....day of..... 18..

....

Return of warrant; continuance or adjournment how taken.

The defendant in such action may be arrested upon service of the warrant or process by which action is commenced; upon the return of the warrant the court may proceed summarily with the case unless it be continued by consent or for cause as in other cases provided by law; if the case be adjourned upon the application of either party, the defendant, if required by the court so to do, shall recognize with surety for his appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Barron county. The complaint made aforesaid shall be the complaint in the action, and the plea of "not guilty" shall put in issue all material allegations of the complaint.

Printed copy of ordinance to be prima facie evidence.

SECTION 2. A printed copy of an ordinance, by-law or resolution purporting to have been passed by the common council and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication,

and that the same is in force and may be received in evidence.

Witness and juror fees; need not be paid in advance.

SECTION 3. Witnesses for the city and jurors shall attend in all city prosecutions without the payment of dues in advance upon process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury after being kept out a reasonable time, should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain and issue a new venire as aforesaid.

Findings of court; penalty and costs, court to fix.

SECTION 4. In city prosecutions the finding of the court or jury shall be "guilty" or "not guilty;" if guilty, the court shall render judgment therein against the defendant for the fine, penalty or forfeiture and shall fix the amount of such fine, penalty or forfeiture, within the provisions of the ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the cost of suit, if not guilty, the cost, as in actions in justices court, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit; and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Barron for a term which in no case shall exceed six months, and such court may further adjudge, determine and sentence such defendant to be kept at hard labor during the term of commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment inserting therein such time of imprisonment, and every person convicted and committed may be kept at hard labor in the common jail of the county of Barron or elsewhere, under the watch, guard and supervision of whomsoever the common council shall appoint for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty, forfeiture and costs are sooner paid. The commitment may be substantially in the following form:

Form of commitment.

Barron county, }
City of Chetek, } ss

The state of Wisconsin to the sheriff of said county, or any police officer of said city, and to the keeper of the common jail of said county, greeting:

Whereas, at a justice court in and for the county of Barron, held at my office in said city, for the trial of ...., for the offense hereinafter stated, the said ..... convicted of having on the .... day of ....., A. D., 18.., at said city in said county violated section ... of chapter ..... of a general ordinance of the city of Chetek, entitled "an ordinance ....," which said ordinance was then in force, and upon conviction the said court did adjudge and determine that the said .... pay a fine of ..... dollars together with ..... dollars costs, that in default of the payment of said fine and costs, he be imprisoned in the county jail of said county for the term of ..... days (at hard labor) for the benefit of the city of Chetek; therefore in the name of the state of Wisconsin, you are commanded forthwith to take the body of the .... and ..... convey and deliver to the keeper of the common jail in and for Barron county, and the said keeper is hereby commanded in the name of the state of Wisconsin to receive and keep in custody in said jail the said .... for the term of ....., (at hard labor for the benefit of the city) unless the said fines and costs are sooner paid, or he be discharged by due course of law.

Given under my hand this .... day of ..... 18....

.....

Employment of prisoners, mayor may order.

SECTION 5. If the mayor of the city, shall at any time deem it for the interest of the city, he may employ and work the prisoners, so committed, outside of the jail yard at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county, shall upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named or described, into the keeping and custody of such person or persons in said order directed, and re-

ceive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

Amendment of complaint, general laws to govern.

SECTION 6. The complaint and warrant or either of them may be amended and actions adjourned in same manner and upon same conditions and restrictions as complaints and warrants are amended, and the actions are adjourned in criminal actions in justices' court under the general laws of this state, and in all cases, either party shall enjoy the right of trial by jury as in civil actions in justices' court unless the same is duly waived and a failure to demand a jury, shall in all cases be deemed a waiver.

Appeal from judgment, how taken.

SECTION 7. Any person convicted of a violation of any ordinance, by-law, regulation or resolution of said city, may appeal from the judgment of conviction, to the circuit court of Barron county, as provided by law in criminal cases.

Proceedings in circuit court, general laws to govern.

SECTION 8. All appeals taken under the provisions of this act, shall be conducted in the circuit court in the same manner as appeals from the justices' court under the general laws of this state, and the judgment of such court shall be carried into execution, as hereinbefore provided, as near as may be.

Incompetency, inhabitancy not to occasion.

SECTION 9. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or resident of said city in any action or proceeding in which said city is a party or interested.

Fines and penalties, justice to report to council, when.

SECTION 10. The said justice on the Tuesday next preceding the annual election in each year and quarterly thereafter shall file with the city clerk a report showing the amount of fines and penalties received by him during the quarter covered by such report and the amount of such fines and penalties paid by him to the treasurer of said city and the dates of payment of the same, and with such report he shall file the receipts showing such payment received by him from the treasurer during the quarter covered by such report, and the clerk shall lay such report before the common council at the next regular meeting after the same shall have been filed, and all fines and penalties by whomsoever received or collected shall be paid to

the city treasurer within ten days after the same shall have been collected or received.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

Penalty for voting money to self or being interested in contracts.

SECTION 1. Every member of the common council of the city of Chetek who shall directly or indirectly vote to himself or knowingly to any other person any sum of money for any purpose whatever in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act except as inspectors of election and supervisors, any member of the common council who shall be directly or indirectly interested in any contract made with or in behalf of the city and any member of said council who shall directly or indirectly purchase any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office and may be prosecuted, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days or both, at the discretion of the court.

Property deeded or leased, how.

SECTION 2. When the city of Chetek deeds or leases any real estate or any interest therein owned by said city the party of the first part shall be the city of Chetek, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Duty of mayor in deeding property.

SECTION 3. The mayor of said city is hereby authorized when the common council shall by a two-thirds vote so direct, and shall by ordinance or resolution, describe the real estate and interest to be conveyed, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged

as is provided for the execution of deeds and conveyances.

Duty of clerk in deeding property.

SECTION 4. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease, and such copy so attached, and the record thereof, shall in all courts of this state be *prima facie* evidence of the authority of the mayor to make and execute such deed or lease; provided, that the provisions of this section shall not apply to deeds issued by said city to lots in any cemetery belonging to said city.

Support of poor.

SECTION 5. The said city shall from and after the said first Tuesday in April, 1891, support and maintain all poor residing within the limits thereof, heretofore supported and properly charged to said town of Chetek, and the laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city who shall perform all the duties of overseers of the poor in towns.

Bridges.

SECTION 6. The said city shall own and have charge of all bridges within said city, and the general laws for the preservation of bridges, and the punishment provided by such laws for willful and malicious injury done thereto, are hereby extended to and shall include all the bridges erected or owned by said city and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever, and the common council of said city may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties.

Act not to affect schools.

SECTION 7. This act shall not in any manner change or affect the common or high schools of said town of Chetek or city of Chetek, but the organization of school districts shall in all things remain the same as if this act had not been passed, except that school districts lying partly within the limits of said city shall become joint school districts.

SECTION 8. The plats of the village of Chetek and of the additions thereto, are hereby adopted as the plats of the city of Chetek and of the additions thereto and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, or by describing the plats as the original plat of the village, now city of Chetek, or the plat of any addition to the village, now city of Chetek, or in any other manner that shall designate said real estate with reasonable certainty. Village plats.

SECTION 9. If any officer or other person fails to do or to perform any of the duties which this act or any ordinance, by-law, rule, regulation or resolution requires him to do at a time specified, the common council may designate another time when such officer or person may do or perform such duties and when done or performed at the time so designated by the common council, it shall be taken, held and considered the same as if such duties had been done or performed at the time specified in this act, or in the ordinance, by-law, rule, regulation or resolution of said city. Failure of officer to do duty.

SECTION 10. The town treasurer of the town of Chetek shall pay to the treasurer of the city of Chetek when elected and qualified such a part of the tax of said town levied for town purposes in the year 1890, and not expended, as the assessed valuation of the property in said city, is a part of the assessed valuation of the town of Chetek and the city of Chetek combined; the bonded indebtness of the town of Chetek shall as it matures be paid ratably by the city and town according to the equalized assesments thereof. Town treasurer to pay city treasurer money, when.

SECTION 11. The electors of said city may hold a special election therein, for the purpose of increasing and further determining the amount to be paid in said city license to sell intoxicating liquors to be drank on the premises under the provisions of section 1548b of the revised statutes, and the time of holding such election shall not be limited by any election held in the town of Chetek for like purposes. City license to sell liquors.

SECTION 12. No general laws contravening the provisions of this act shall be considered as re- General laws not to interfere

pealing, amending or modifying the same except such purpose be expressly set forth in such law.

Public act.

SECTION 13. This act is hereby declared a public act and shall be liberally construed in all courts of this state.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1891.

No. 442, A.] [Published April 4, 1891.

CHAPTER 95.

AN ACT to revise and amend the charter of the city of Manitowoc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed, certain chapters.

SECTION 1. The following named acts of the legislature of the state of Wisconsin are hereby repealed, viz.: Chapters two hundred and seventy-five (275) and four hundred and ninety-five (495) of the private and local laws of 1870; chapters eighty-six (86) two hundred twenty-nine (229) and three hundred fifty-nine (359) of the private and local laws of 1871; chapters seventeen (17) and one hundred twenty-seven (127) of the private and local laws of 1872; chapters four (4) and two hundred nineteen (219) of the general laws of 1873; chapters one hundred and fifty-one (151) and two hundred twenty-eight (228) of the general laws of 1875; chapter one hundred thirty (130) of the general laws of 1876; chapters one hundred sixty-seven (167) and one hundred eighty-one (181) of the general laws of 1877; chapters ninety-six (96) and one hundred (100) of the general laws of 1878; chapters one hundred seventy-two (172) and one hundred eighty-six (186) of the general laws of 1879; chapter three hundred nine (309) of the general laws of 1882, chapter four hundred and one (401) of the general laws of 1885; chapters two hundred fifty-nine (259) and two hundred eighty-six (286) of the general laws of 1887. And

the several acts so repealed are hereby revised and re-enacted so as to read as follows:

CITY BOUNDARIES.

Corporate boundaries, name and powers.

SECTION 2. All that section of country included in lots four, five and six, in section nineteen; lots three and four, and the west half of the south-west quarter of section twenty; lots one, two and three and the north fraction of section twenty-nine and all of section thirty, all in township nineteen north, of range twenty-four east of the fourth principal meridian, in the county of Manitowoc, in the state of Wisconsin, shall hereafter be known and distinguished by the name of the "City of Manitowoc," and the inhabitants residing or who may hereafter reside within said limits, are hereby created and constituted a body corporate and politic, by the name, and style of the "City of Manitowoc," and by that name may have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall have generally the powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted.

Survey and plats; certain declared legal.

SECTION 3. The new survey and plat of the village of Manitowoc, recorded in the registry of deeds of Manitowoc county in "Book of Maps," on pages five and six; the survey and plat referred to in the judgment for final partition of the west half of section thirty, described in the last preceding section, recorded in said registry of deeds in volume "P" of deeds, on pages four hundred thirty-five and five hundred forty-four inclusive; A. W. Buel's survey and plat of subdivisions recorded in said registry of deeds in volume "R" of deeds, on pages sixty and sixty-one; and Jacob Luep's and O. H. Platt's survey and plat of subdivision recorded, in said registry of deeds in volume "R" of deeds on pages sixty-eight and sixty-nine, so far as the said plats or

any of them include the territory described in the preceding section or any part thereof are hereby made and declared to be the legal survey and plat of said city of Manitowoc for all purposes whatsoever.

Ward boundaries.

SECTION 4. The corporate territory of said city, described in the second section of this act, shall be divided into five wards in the manner following, to wit: All that part of said territory which lies south of the center of the Manitowoc river and east of the center of Main street shall be the First ward; all that part which lies north of the center of said river and east of the center of Seventh street shall be the Second ward; all that part which lies south of the center of said river and between the center lines of Main street and Fifteenth street shall be the Third ward; all that part which lies north of the center of said river and west of the center line of Seventh street shall be the Fourth ward; and all that part which lies south of the center of said river and west of the center line of Fifteenth street shall be the Fifth ward.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Distinct from town of Manitowoc for corporate purposes.

SECTION 5. It is hereby provided and expressly declared that all the territory within said corporation, and the general management and control thereof, for said corporate purposes, shall be exclusive, separate and distinct from the town of Manitowoc in all cases whatsoever.

RIGHTS AND POWERS OF THE CORPORATION.

Corporate rights and powers.

SECTION 6. The people now inhabiting and those who shall hereafter inhabit within the district or country described in this act, shall be a corporation of the name of the "City of Manitowoc," and shall have the general powers possessed by municipal corporations at common and statute law, and in addition thereto shall possess the rights and privileges hereinafter specially granted.

Perpetual succession; may sue and be sued.

SECTION 7. The authorities thereof shall have perpetual succession and in the name of said corporation may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and may receive by bequest, gift, grant, devise or purchase, and hold and convey, contract and be contracted with, such real and personal estate as the purposes of the corporation may require.

OFFICERS — THEIR ELECTION AND APPOINTMENT.

SECTION 8. The officers of said city shall be a mayor, two aldermen from each ward, a city treasurer, city clerk, city attorney, city assessor or assessors, city surveyor, city marshal, a street commissioner, one justice of the peace and one constable for each ward, one or more city physicians, a bridge tender for each drawbridge, a harbormaster, a sealer of weights and measures, a chief of the fire department, one or more policemen, a board of public works, consisting of the city attorney, city surveyor and city clerk, and such other officers as the board of aldermen may deem necessary to appoint. Officers, enumeration of.

SECTION 9. The mayor, city treasurer, aldermen, justices of the peace and constables shall be elected by the people at the annual municipal elections for city and ward officers. The city attorney, city marshal, city surveyor and chief of the fire department shall be appointed by the mayor and confirmed by a majority of the members of the board of aldermen voting in favor of such confirmation. All other officers shall be appointed by the board of aldermen. Officers elected; appointed.

SECTION 10. The mayor, city treasurer, the aldermen and justices of the peace shall hold their respective offices for two years and until their successors are elected and qualified, except as hereinafter provided; and all other officers either elected or appointed, shall hold their respective offices for one year and until their successors are elected and qualified, subject to removal as in this act provided. Term of office.

SECTION 11. When any vacancy in the office of the mayor shall occur, the unexpired portion of his term shall be filled by the president of the board of aldermen, who shall thereupon vacate his office of alderman. When any vacancy shall occur in any office filled by appointment of the mayor, such vacancy shall be filled in like manner by appointment of the mayor. Vacancies in any other city office shall be filled by appointment of the board of aldermen. Vacancies, how filled.

SECTION 12. The city treasurer and such other officers as the board of aldermen may direct, shall before entering upon the discharge of the Bonds, treasurer and others to give. How approved.

duties of their respective offices, execute and deliver to the city of Manitowoc, a bond running to said city in such penal sum as the board of aldermen may direct, with two or more sureties conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the board of aldermen may prescribe; and the board of aldermen may at any time require new and additional bonds. All bonds must be filed in the office of the city clerk within ten days after the officer executing the same shall be notified of his election. All official bonds except those of justices of the peace must be approved by the board of aldermen, and when so approved shall be recorded by the city clerk in a book to be kept for that purpose. Such clerk shall annex to each such record a certificate that the record is a true copy of the original, and such record shall be *prima facie* evidence of the contents of such bond, and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace shall qualify within the time and in the manner provided by section 846 of the revised statutes of Wisconsin for the year A. D. 1878, as amended by chapter 45 of the laws of Wisconsin for 1881 and chapter 284 of the laws of Wisconsin for 1882, except that their bonds shall be approved by the mayor and city clerk.

Failure to give bond to be deemed a refusal of office.

SECTION 13. Any city officer neglecting or refusing so to execute and file the bond or bonds required in the preceeding section within the time therein mentioned, shall be deemed to have refused said office and the same shall be filled by appointment or election as in other cases of vacancy; and in case the board of aldermen shall not approve of any official bond so executed, the officer so executing the same shall furnish a new and satisfactory bond within ten days after notice of such disapproval; and in case of failure he shall be deemed to have refused his office and the same shall be filled as in cases of vacancy.

City officer not to be accepted as surety, when.

SECTION 14. No city officer shall be accepted as surety upon any bond, note or other obligation made to said city. No city officer shall in any way be interested in any contract to which the

city is a party. Any such contract shall be void and the city shall incur no liability thereon.

Oath of office, officers to take.

SECTION 15. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office and file the same with the city clerk within ten days after notification of his election or appointment. In case of failure to file such oath within the time limited, the office shall be deemed vacant.

Removals from office, how made.

SECTION 16. Every officer who may be appointed by the mayor or the board of aldermen to any office may be removed from such office by a vote of two-thirds of all the aldermen elected. But no such officer shall be removed except for good cause nor unless furnished with the charges and an opportunity given him to be heard in his defense; and the board of aldermen shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof; and if such officer neglects to appear and answer to such charges, or if such charges are sustained, then the board of aldermen may declare such office vacant. Any officer may be suspended until the disposition of the charges so preferred.

Salaries, who to receive; how fixed.

SECTION 17. The city clerk, city treasurer, city attorney, city marshal, policemen, harbormaster, city physicians, bridge tenders and chief of fire department, shall be paid a salary to be fixed annually. The board of aldermen shall meet on the fourth Monday of March in each year and fix the salaries to be paid for the ensuing year to the above named officials and to any other official created by said board. The board shall, at said meeting, fix the *per diem* to be paid to the assessor or assessors and street commissioner.

Eligibility to office.

SECTION 18. No person shall be eligible to hold any office mentioned in this act unless he shall be at the time a resident elector of the city; nor shall any person be eligible to any ward office unless he shall be at the time a resident elector of the ward in which such office exists.

ELECTIONS.

Annual election; time of holding.

SECTION 19. The annual election for city and ward officers shall be held on the first Tuesday in April in each year at such places as the board of aldermen shall designate. At the first municipal election under this act there shall be elected two aldermen in each ward, one for the term of one year and the other for the term of two years; and at each annual municipal election after the first, one alderman shall be elected from each ward for the term of two years.

Tie votes to be determined by casting lots.

SECTION 20. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the board of aldermen at their first meeting after such election and in such manner as the board of aldermen shall direct.

Canvassing the votes and declaring the result; appointments; when made.

SECTION 21. Within one week after each and every annual or special municipal election held under this act, the board of aldermen shall meet and canvass the returns of such election and declare the result as it appears therefrom; and the city clerk shall within three days thereafter give notice to each person elected of his election; provided, that in case a quorum shall not be present at such meeting it shall be adjourned from day to day until a quorum shall be present. Provided, further, that all appointments required to be made by the mayor, or by the board of aldermen, shall be made within two weeks next following such canvass and determination of the election returns.

Special elections.

SECTION 22. Special elections may be called at any time by said board upon due notice given. Special elections shall be conducted in the same manner, upon like notice, and subject to the same penalties as annual elections.

Elections to be held as provided by general law.

SECTION 23. All elections under this act shall be held and conducted, when not herein otherwise provided, in the same manner and under the same penalties as provided for by the laws of this state for the election of municipal and county officers.

OFFICERS — THEIR POWERS AND DUTIES.

SECTION 24. The mayor, when present, shall preside at all meetings of the board of aldermen and shall sign all contracts, agreements, licenses and permits granted by said board. He shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all of the officers of the city discharge their respective duties. He shall from time to time give the board of aldermen such information and recommend such measures as he may deem advantageous to the city. He shall be the chief executive officer, the head of the fire department and of the police of the city; he shall appoint the city attorney, city marshal, city surveyor, and chief of the fire department, and all policemen, and may in case of a riot or other disturbance appoint as many special policemen as may be necessary. He shall have and possess the veto power as hereinafter prescribed. Should he refuse to approve any law, ordinance, rule, regulation, claim, resolution appropriating money, creating a debt or liability, he shall communicate his objections in writing to the board of aldermen within five days after such law, ordinance, rule, regulation or resolution is submitted to him for his approval; but if upon the receipt of such veto message two-thirds of all the aldermen-elect should vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor. Mayor; his powers and duties.

SECTION 25. The board of aldermen at its first meeting after organization in each year shall choose by ballot from its numbers a president, and in the absence of the mayor the said president shall preside at the meetings of said board; and during the absence or inability of the mayor from any cause to discharge the duties of his office, the president shall exercise all of the powers and discharge all of the duties of mayor. The president, while presiding at meetings of the board of aldermen or performing the duties of mayor, shall be styled "acting mayor," and acts performed by him in such capacity shall have the same force and validity as if performed by the President of board of aldermen; how chosen; powers and duties.

mayor; but the president of the board of aldermen, as acting mayor, shall sign no warrant, order or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the board of aldermen.

City clerk; his powers and duties.

SECTION 26. The city clerk shall have the care and custody of the corporate seal and all papers and records of the city; he shall attend all meetings of the board of aldermen and keep a full record of its proceedings; he shall record all ordinances and bonds in a book to be kept for that purpose; he shall keep a record of all licenses granted, which record shall be open to the inspection of the public at all times; he shall carefully preserve all receipts filed with him of payment of money for licenses; he shall serve as a member of the board of public works; except as herein otherwise provided, he shall have and possess the power and authority and perform such duties as clerks of cities and villages are required to perform under the general laws of this state; he shall keep a record of all orders drawn on the city treasure in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all tax lists delivered to him for collection and all sums of money paid into the treasury. Ten days preceding every annual election he shall make and cause to be published in the official papers of the city a statement showing the name of every person who shall have had an account allowed and paid by said city; a brief statement of the nature of the demand, also giving the aggregate amount allowed each person; the expense of the city printing and of each department of the city; amount paid out of poor fund and the expense of each fire company. Said statement shall also show amount of moneys paid into the city treasury during the year, and shall embrace all accounts from the date of the like statement made by his predecessor to date. In case of the absence of the clerk the board of aldermen may elect a clerk *pro tem*

Treasurer; his powers and duties.

SECTION 27. The city treasurer shall perform all the duties required of him, collect all city, county and state taxes, and pay over the moneys in his hands according to law. He shall keep a detailed account of moneys received and dis-

bursed by him in such manner as the board of aldermen shall direct. His books shall at all reasonable times be open to the inspection of any voter of the city. He shall report to the board of aldermen as often as required; and ten days preceding every annual election he shall make out and file in the city clerk's office a full and minute report of all moneys received and disbursed by him; of all tax certificates, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the treasury, which reports shall embrace all the requisite transactions of his office from the date of the like report of his predecessor to the date of the report required to be made out by him. He shall receive no fees or *per diem* or other compensation for his service except the salary fixed by the board of aldermen prior to his election. Except as it is herein otherwise provided, he shall have and possess the power and authority and perform such duties as treasurers of cities and villages are required to perform under the general laws of the state of Wisconsin.

City attorney; his powers and duties.

SECTION 28. The city attorney shall conduct all the law business of the city and of all the departments thereof, and all other law business in which the city shall be interested, when so ordered by the board of aldermen. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor or by the board of aldermen, or any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of any city officer. It shall also be his duty to draft all ordinances, contracts, deeds, bonds, leases and such other instruments in writing as may be required by the business of the city; to examine and inspect tax and assessment rolls and all proceedings in reference to the levying and collection of taxes and assessment, and to perform such other duties as may be prescribed by the charter and ordinances of the city. He shall also serve as a member of the board of public works.

Assessor; his powers and duties.

SECTION 29. The city assessor or assessors shall assess all of the taxable property of the city and shall, as far as the same are applicable, be governed by such laws as govern assessors in the several towns of this state. Each assessor shall be paid a *per diem* for his services which shall not exceed three dollars per day.

City surveyor, qualifications of; powers and duties.

SECTION 30. The city surveyor shall be a practical surveyor and engineer, and he shall serve as a member of the board of public works. The board of aldermen shall prescribe his duties and fix the fees for any service performed by him. He shall keep his office in some convenient place to be designated by the board of aldermen. He shall execute all the civil engineering and surveying required by said board. Said surveyor shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings and shall record the same in a book to be kept for that purpose. He shall keep on file a copy of all plats of lots and blocks embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and harbors and to any public buildings belonging to the city of Manitowoc, and shall keep a record of the location of bench marks and permanent corner stakes from which subsequent surveys shall be started, all of which such records, profiles, plats and estimates in this section mentioned shall be the property of the city, open to inspection of parties interested, and shall be delivered over by said surveyor at the expiration of his term of service to his successor in office or to the board of aldermen. He shall keep a record of all estimates made by him of any work for said city, and when required by the board of aldermen shall file certified copies of all plans, specifications and estimates made by him, in the office of the city clerk.

City marshal, ex-officio chief of police; powers and duties.

SECTION 31. The city marshal shall be *ex-officio* chief of police. He shall attend all meetings of the board of aldermen and shall perform such duties as are herein prescribed, and such other

duties as may be required of him by any ordinance, by-law, rule or regulation of said city for the preservation of the peace, the health of the city, and for the collection of fines and license money. He shall in no case collect license money, but he shall see that all parties required by law of the state, the charter or any ordinance of the city, to procure license, obtain the same of the proper authorities before opening any exhibition or doing any business requiring such license. He shall possess the powers of a constable at common law or by the laws of this state, and shall receive like fees and be subject to the same liabilities, but shall not serve any process outside of the city except when necessary in criminal cases for the violation of any ordinance of said city or law of this state; when the offense was committed within the limits of said city he may pursue and arrest parties in any part of the state of Wisconsin. He shall repair to all fires, riots and tumultuous assemblies, take charge of the police present, and use every exertion to protect property, disperse mobs and cause to be arrested all persons engaged in disturbing the peace; to apprehend any person in the act of committing any offense against any ordinance of the city or laws of this state, and within reasonable time, bring such person before competent authority for examination.

Commitment to county jail without process, when.

SECTION 32. Any officer making an arrest under the provisions of this act may, if necessary, commit the person arrested to the jail of Manitowoc county without process, and the sheriff of said county shall safely keep said person so arrested and deliver him up to the officer making the arrest on demand, and without process. Any person so arrested and committed shall be taken before a justice of the peace within twenty-four hours, Sundays excepted, after such arrest. The justice before whom any prisoner is brought for examination or trial may, for good cause shown, adjourn the examination or trial a reasonable time, and may require the prisoner to give bail to the city of Manitowoc for his appearance at such adjourned day, and in default of bail may commit said prisoner to jail to await his trial.

Officers of the peace; who constitute.

SECTION 33. The mayor, aldermen, justice of the peace, city marshal, policemen and constables

shall be officers of the peace, and suppress, in a summary manner, all riotous and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if need be, all citizens. If any person refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of twenty-five dollars; and in cases where the civil power shall be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings. It shall be lawful for the mayor, any alderman, the city marshal, every policeman (or person acting as such) or constable of the city, to arrest forthwith any person who shall be drunk, disorderly, riotous, or doing any act, which by this act shall be construed to be a misdemeanor, or by warrant arrest any person whom they or any of them shall find committing any violation of the laws or any ordinance of said city and to take such person before a justice of the peace for trial or to commit to the county jail.

Commitments to jail without process; sheriff's duty.

SECTION 34. All persons arrested or committed under the provisions of this act shall be committed to the common jail of Manitowoc county, and it shall be the duty of the sheriff to safely keep all such prisoners until they are discharged by due course of law. No person arrested and committed without process shall be discharged by him until twenty-four hours after commitment, and in case a party is committed on Saturday he shall not be discharged until noon on the following Monday. The sheriff may, when in his judgment justice requires it, take any prisoner committed without process before some justice of the peace of said city and have the party admitted to bail for his appearance at the time of trial; but no prisoner shall be discharged unless the officer arresting him and the city attorney are notified and an opportunity given to be present.

Sheriff to report quarterly.

SECTION 35. The sheriff of Manitowoc county shall report quarterly to the board of aldermen all prisoners in his custody for the quarter preceding, for the keeping of whom said city is liable.

Mayor may order employment of prisoners at public work.

SECTION 36. Any prisoner committed to the county jail of Manitowoc county for violating any

of the ordinances of the said city, may be employed at hard labor on any public work outside of said jail and within the limits of said city. The keeper or custodian of said jail shall, on demand of the mayor, deliver any and all of said prisoners to the mayor or other officer for the purposes aforesaid, and shall receive and securely confine said prisoners when returned to him by direction of the mayor. The mayor may, by order, direct at what labor said prisoners shall be employed, and direct as to time and manner of employment; and he may cause them to be secured in such manner as, in his judgment, will prevent their escape.

Policemen, their powers and duties.

SECTION 37. It shall be the duty generally of all policemen appointed by the board of aldermen to faithfully perform such duties as shall be prescribed by the ordinances, by-laws and resolutions of the board of aldermen for the preservation of the public peace and health of the city, and they shall have all the common law and statutory powers of constables, except for the service of civil process. They shall perform the duties of night watchmen for the city if required, and shall faithfully abide by all ordinances prescribing the manner and extent of their duties, and the time in which such duties shall be performed.

Justices of the peace; their powers and duties.

SECTION 38. The justice of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace as prescribed by the general laws of this state. They shall also have jurisdiction to hear and try all offenses for the violation of any ordinance, rule, regulation or by-law of said city. But the city shall in no case be liable for costs except for actions brought under the direction of the mayor or marshal. On the first Monday of each month, each justice of the peace of said city shall file in the office of the city clerk a report, under oath, of all actions determined before him in the month preceding, in which the city became liable to pay costs. A failure to make such report shall release the liability of the city to pay. At the same time they shall report all fines collected for the month preceding, and pay the same to the city treasurer and take his receipt therefor.

Fire wardens, marshal and policemen to be; powers and duties.

SECTION 39. The marshal and policemen shall be fire wardens of the city. They shall examine as to the construction and condition of all chim-

neys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and fire apparatus used in and about any buildings, and shall have power to prevent the improper construction of any thereof, and may cause them to be placed or removed in a safe and secure condition. They shall prevent the depositing or keeping of ashes or any combustible material in any place except such as is perfectly safe. They shall also be the attending officers at all election polls at all general and special elections

Board of aldermen may require additional duties of officers.

SECTION 40. The board of aldermen shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed. Such compensation shall be fixed by resolution at the time the office is created, for the remaining part of the year; thereafter the salary shall be fixed at the time and in the manner herein prescribed for fixing the salaries of other officials.

Official newspaper; board of aldermen to designate and fix rates.

SECTION 41. The board of aldermen at its first meeting, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act or the by-laws or ordinances of the board of aldermen to be published in a newspaper, and the said board of aldermen shall have power and authority to establish, by ordinance, resolution or otherwise, such rates for such printing and publishing as to them may seem just and proper, provided that the price for such work shall not exceed the legal rates for like work as is now or may be established by law.

Ordinances; proof of publication.

SECTION 42. The city printer or printers, immediately after the publication of any notice or ordinance, by-law or resolution which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by law or resolution.

SECTION 43. Each city officer at the termination of his term of office shall immediately deliver to his successor in office all property, money, books, papers and effects of every description in his possession belonging to the city or pertaining to the office he may have held. Any person neglecting or refusing to do so shall forfeit and pay to the use of said city one hundred dollars besides all damages caused by such neglect or refusal and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state for that purpose.

Penalty for officer refusing to turn over money, books, etc., to successor.

THE BOARD OF ALDERMEN—GENERAL POWERS AND DUTIES.

SECTION 44. The legislative powers of the city of Manitowoc shall be vested in a board of aldermen. The mayor and aldermen of said city, when assembled, shall constitute the board of aldermen. In the proceedings thereof each member present shall be entitled to a vote, provided that the mayor shall vote only in case of a tie vote by the aldermen present. Two-thirds of all the aldermen-elect shall constitute a quorum for the transaction of business, whether the mayor shall be present or not. Less than two-thirds of all the aldermen may meet and adjourn from time to time until a quorum is present.

Board of aldermen; how constituted; general powers and duties.

SECTION 45. The board of aldermen shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public. It shall determine the order and rules of its proceedings and keep a record thereof, which shall be open to the inspection of every citizen at all reasonable times and hours. It shall have power to preserve order and propriety in its proceedings, and may adopt such by-laws, rules and regulations for its own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members and to impose and enforce penalties for non-attendance. The board of aldermen shall be the judge of the election and qualifications of its members.

Time and place of meetings; record to be kept of proceedings.

SECTION 46. Special meetings of the board of aldermen may be called and held upon the ap

Special meetings, how called; object and time to be stated.

plication in writing signed by three aldermen and addressed to the clerk of said city, stating the object of such meeting and the time when the same is to be held, which shall not be less than twenty-four hours from the time when the clerk shall receive such application. The clerk shall forthwith call the meeting required by giving personal verbal notice to all the aldermen except those who signed the call, and to the mayor, informing each of them of the object of said meeting and the time when the same is to be held, and shall file such application in his office and make a memorandum thereof in the journal of proceedings.

Style of ordinances; same to be published

SECTION 47. The style of all ordinances shall be: "Be it ordained by the mayor and board of aldermen of the city of Manitowoc." Every ordinance, rule, by-law or regulation of said city except those which relate to the goverment of the board of aldermen, shall be published one week in some newspaper published in the city before the same shall be in force. All ordinances shall be signed by the mayor or acting mayor and attested by the clerk, and the seal of said city affixed.

Board of aldermen; powers of enumerated.

SECTION 48. The board of aldermen shall have control and management of the finances and all property of the city, and shall likewise in addition to the powers herein vested in them by other provisions of this act, have power to make, enact, ordain, establish, enforce, amend and repeal all such ordinances, rules and by laws for the government and good order of the city as they shall deem expedient, declaring and imposing penalties, and enforcing the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force and effect of the law, provided, that they are not repugnant to the constitution and laws of the United States, or to the constitution of the state of Wisconsin, and for that purpose shall have power and authority by ordinance, regulation or by-laws:

Finances.

1st. To manage and regulate the finances and regulate, preserve and dispose of the property, real and personal belonging to the city.

2nd. To adopt all legal and requisite measures for levying and collecting taxes and assessments. Levying and collecting taxes.

3rd. To regulate the use of locomotive engines within the city; to direct and control the location of railroad tracks, and to require railroad companies to construct and maintain at their own expense such bridges, viaducts, tunnels, and to provide such other conveyances at public railroad crossings, as the board of aldermen may deem necessary. Locomotives and railroad tracks.

4th. To establish and regulate a fire department within said city and prescribe the duties of the officers and members thereof; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner; and if such owner of buildings shall refuse to procure suitable ladders and fire buckets after reasonable notice, the board of aldermen may procure and deliver the same to him, and in default of payment therefor may recover of such owner the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous material; to direct the safe construction of a place for the deposit of ashes; to regulate the manner of putting up stoves and stovepipe; to prevent bonfires and the use of fireworks and firearms within the limits of said city or such part thereof as they may think proper; to compel the inhabitants of said city to aid in the extinguishment of fires, and pull or break down and raze such buildings in the vicinity of fires as shall be directed by the aldermen or any two of them who may be at the fire, or by the mayor or chief engineer of the fire department, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the city; to construct and preserve reservoirs, pumps, wells and other water works and regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as it may deem proper. Fire department. Ladders and fire buckets. Storage of gunpowder. Fireworks and firearms. Extinguishment of fires. Reservoirs and pumps.

5th. To declare what are nuisances, and to prevent, abate and remove the cause, and to make Abatement of nuisances.

the expense of removing the same, when incurred by the city, a legal charge and lien against the real estate whereupon the same was situated, and to take such measures for the public health as it may deem proper; to compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous houses or places to cleanse, remove or abate the same as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.

Public health.

Gaming.

6th. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city.

Riots and disturbances.

7th. To prevent any riots, disturbances or noisy and disorderly assemblages, suppress and restrain disorderly houses, or groceries or houses of ill-fame, shows and exhibitions, and to regulate and prevent the use of fireworks and firearms, and the shooting of firearms or crackers.

Destitute children.

8th. To authorize the taking up and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness and vice.

Incumbering of streets.

9th. To prevent the incumbering of streets, side and crosswalks, alleys or other public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, firewood or other materials or substances whatever.

Horse racing.

10th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the city.

Running at large of cattle.

11th. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal so found going at large in violation of the ordinances or by-laws of said city; to establish pounds and appoint pound masters and describe their powers and duties.

Running at large of dogs.

12th. To prevent the running at large of dogs and authorize the destruction of the same in a summary manner when at large contrary to the

ordinances of the city, and to impose a tax upon the same.

13th. To prevent any person from having, bringing or depositing within said city any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or any putrid or unsound meats, fish, hides or skins of any kind, and in default, to authorize the removal thereof by some competent officer at the expense of such person or persons. Putrid carcasses.

14th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the returns of the bills of mortality, and to exempt burying grounds set apart for public use from taxation, to regulate the speed of vessels navigating the river of said city and to require all sail vessels to be towed or tugged through the bridge over said river. Boards of health.

15th. To regulate the building of wharves, docks and ferries and to provide for the security and protection of the same. Wharves and docks.

16th. To order and regulate the building of bridges and provide for the security and protection of the same, provided, that the location thereof shall be determined by a vote of the legal electors at any election held for that purpose. Bridges.

17th. To prevent all persons from riding, leading or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to the sidewalks. Damaging sidewalks.

18th. To compel the owners or occupants of lots or buildings to remove snow, dirt or rubish from sidewalks, streets or alleys opposite thereto, and in default to authorize the removal of the same by some officer of the city or other person at the expense of such owner or occupant, and to make or cause to be made the expense thereby incurred a lien upon the real estate. Removal of snow, etc.

19th. To restrain drunkards, immoderate drinking and obscenity in the streets or public places of said city, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness and obscenity.

20th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies. Police, watchmen and firemen.

Shade trees.

21st. To protect shade and other trees, and monuments in said city.

River and harbor.

22d. To provide for removing out of the Manitowoc river or harbor any driftwood, piles, timber, filth or other substances, and to remove and to prevent encroachments of any kind in said river or harbor within said city.

Street grades.

23d. To establish the grade of all streets in said city, and to lay out, alter, open, widen and repair grades, pave or otherwise improve streets, avenues, lanes, alleys, sewers, side and crosswalks.

Ward boundaries.

24th. To alter the boundaries of wards and increase the number thereof.

Streets and alleys.

25th. To vacate or discontinue streets, lanes, alleys and sewers.

Insurance.

26th. To insure the public property of said city.

Actions at law.

27th. To direct in the prosecution and defense of actions in which said city may be a party.

Books and records.

28th. To procure the necessary blank books for records, accounts, orders, etc., and such stationery as may be required for city purposes.

Accounts.

29th. To audit and allow all accounts against the city and to draw orders on the treasury for the payment of the same.

Contagious diseases.

30th. To regulate, prevent and control the landing of persons from boats, vessels, cars or other conveyances, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Licenses.

31st. To license, regulate or prevent the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circ ses, concert, or theatrical performances, billard tables or bowling saloons; to grant licenses for selling spirituous, vinous or fermented liquors, and regulate and license taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, ale, or beer, and to revoke the same for a violation of the conditions thereof; to prescribe the amount to be paid for such license, and the time when such license shall expire.

Cartmen and hack owners.

32d. To license and regulate cartmen, runners, porters, hack, cab, truck, omnibus and stage owners and drivers, and all carriages or vehicles used for the transportation of passengers, merchandise, goods or articles of any kind, common criers, hawk-

ers, peddlers, pawnbrokers and auctioneers; to prohibit non licensed persons from acting in either of such capacities; and to require the owners to mark and number the drays, carts, carriages or vehicles in such manner as the board of aldermen shall direct.

33d. To make, ordain and pass ordinances, by-laws and regulations for the police of the city, and to enforce such rules for the observance of laws, ordinances and regulations and the laws of the state, by punishment of fine or imprisonment in the county jail of Manitowoc county, or both, in the discretion of the magistrate or court before whom conviction may be had. Police regulations.

34th. To require any officer to furnish reports, information or estimates whenever deemed proper by the board of aldermen. Official reports.

35th. To make and prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fireproof shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fireproof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damages. Fire limits.

36th. To regulate or prohibit the keeping of any lumber yard and the placing and piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city. Lumber yards.

37th. To regulate the measure and inspecting of lumber, cord and firewood, shingles, timber, posts, staves, headings and all building materials, and to appoint inspectors and prescribe their duties. Measure and inspection of lumber, etc.

38th. To make, establish and regulate public ponds, pumps, wells, cisterns and reservoirs, and to provide for the erection and maintenance of water works for the supply of water to the inhabitants, and to prevent unnecessary waste of water. Public pumps and reservoirs.

39th. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. Street lighting.

Sealing of weights and measures.

40th. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state.

Moving buildings on public streets.

41st. To prescribe and regulate the manner of moving buildings through public streets and to require parties moving the same to give security for damages which may be recovered against said city on account thereof.

Breweries and tanneries.

42d. To direct the location and management of and regulate breweries, tanneries and packing houses, and to direct the location, management and construction of and regulate, license, restrain, abate or prohibit within the city and the distance of one mile therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public markets.

43d. To establish and erect public markets, determine their location, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets; and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers.

44th. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city; to restrain and punish the forestalling of poultry, fruit and eggs; and to cause the seizure and destruction or other disposition of tainted or unwholesome meats, butter, vegetables, fruit or provisions.

Vagrants.

45th. To authorize the arrest, fine or imprisonment of all persons not having visible means of support and are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespas-

sing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune telling, place of cock fighting or other place of device; and all persons who go about for the purpose of gambling or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretences, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

46th. To let by proposal to the lowest bidder all contracts for services or work and materials, and order payment for the same, except as otherwise provided for by this act. Contracts.

47th. To make all regulations necessary and proper for the support of the poor. Support of poor.

48th. To provide by ordinance for the division of the city into assessment districts, and when so divided there shall be one assessor appointed for each assessment district. In the formation of such assessment districts no ward shall be subdivided. Assessment districts.

49th. To provide by ordinance for the creation of a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen who may loose their lives in the discharge of their duties, or in consequence thereof; and direct the management and distribution of such fund and the proceeds thereof. Relief of firemen.

SECTION 49. The board of aldermen shall have power to preserve the harbor, to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and provide against the casting or depositing therein of any earth, ashes or other filth, piles, logs or floating matter; to prevent and remove all obstructions therein and to punish the authors; to regulate and prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the wharves and streets of the city by boats, Preservation of harbor.

vessels, rafts or other crafts, and the disposition of the sails, yards, anchors and appurtenances thereof while entering, abiding in or leaving the harbor, and to regulate and prescribe by ordinances, or through their harbormaster or other authorized officer, such a location of every boat, vessel, or other craft or float, and such changes of station in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience, or as near as may be, of all such boats, vessels, crafts or floats, and may impose penalties not exceeding one hundred dollars for any offense against any such ordinance and by such ordinances charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat or other vessel, craft or float. The harbor of the city shall include the piers and so much of Lake Michigan as lies within the distance of one mile into the lake, and the Manitowoc river so far as it lies within the limits of the city. The said board of aldermen shall also have power to establish and construct and regulate landing places, wharves, piers and basins, and to fix rates for landing, wharfage and dockage, and to use for the purpose aforesaid any public landing or any property belonging to or under the control of the city.

FINANCES AND EXPENDITURES.

Moneys and credits to be deposited with treasurer; board of aldermen to control.

SECTION 50. All moneys, credits and demands belonging to the city of Manitowoc shall be kept by and deposited with the city treasurer, and be under the control of the board of aldermen and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of the board of aldermen, and in no other manner. Every warrant drawn on the treasurer shall be numbered in the regular order of the current series of general warrants, and shall refer to the resolution under which it was drawn and the object for which it was drawn. Two-thirds of all the aldermen-elect voting in the affirmative may, when in their judgment public interest requires the advancement or payment of money for a special purpose, appropriate money for such purpose.

SECTION 51. All accounts or demands against the city, before the same shall be acted upon, shall be verified by affidavit. Such affidavit shall be annexed to or endorsed on such account or demand, and presented and preserved therewith. The mayor, clerk or any of the aldermen, when such account, claim or demand shall be presented to him, may administer the oath required in this section, and may examine the claimant, on oath, as to the items of such account or claim. Upon the final disposition of any such account or claim, the same shall be endorsed as follows, to-wit: If allowed in full, the word "allowed" shall be endorsed thereon. If allowed only in part, the amount allowed and the amount disallowed shall be briefly endorsed thereon, and if entirely disallowed, the word "disallowed" shall be endorsed thereon, which endorsement shall be signed by the mayor. All votes taken on the allowance of any claim shall be recorded by the clerk.

Accounts to be verified by affidavit; who may administer oath.

SECTION 52. Every account or claim against said city presented to the board of aldermen in any year shall be numbered from one upwards in the order in which it shall be presented, and the name of the person in whose favor such account shall be made out, and the time of presentation thereof, shall be indorsed thereon, and a memorandum of every such account or claim, giving its number, the name of the claimant therein, and the amount thereof, and also the final disposition of such account or claim, and of the warrant and the number thereof issued in payment of such account so allowed, in whole or in part, shall be entered in the records of the proceedings of the board of aldermen. Such account or claim, together with the affidavit presented therewith, the report of the committee if any, recommending the allowance or disallowance of the same, shall be filed and preserved in the office of the city clerk.

Accounts to be numbered consecutively; clerk to keep record of.

SECTION 53. No account or claim against said city shall be paid until the same shall be presented to the board of aldermen and audited and allowed by them as provided in this act.

Claims not to be paid until audited by board of aldermen.

SECTION 54. No action shall be maintained by any person or corporation against the city of Manitowoc upon any account, claim, demand or cause of action, wherein any money, judgment or judgment for damages is demanded until such

Claims to be first presented to board of aldermen before action can be brought.

person or corporation shall have first presented his accounts, claim, demand or other cause of action to the board of aldermen for allowance or adjustment.

Disallowance of claim in whole or part a bar to action, when.

SECTION 55. The determination of the board of aldermen disallowing, in whole or in part, any claim of any person, shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, unless an appeal be taken from the decision and determination of such board as in this act provided.

Claim disallowed, not to be again considered.

SECTION 56. In case any person shall present his claim or demand and the board of aldermen shall disallow the said claim in whole or in part, the board of aldermen shall not again consider or allow said claim.

Appeal from disallowance of claim, how made.

SECTION 57. When any claim against the city shall be disallowed in whole or in part by the board of aldermen, such person may appeal from the decision of said board disallowing said claim to the circuit court of Manitowoc county by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision and by executing a bond to the said city, with sufficient surety, to be approved by said clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the board of aldermen, with its decision thereon, and shall transmit the same together, with the bond and all the papers in the case, to the clerk of the circuit court of Manitowoc county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the board of aldermen upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the board of aldermen exclusive of interest on such allowance, the appellant shall pay the costs of the appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceed the sum recovered, judgment shall be

rendered against appellant for the amount of such excess.

Limitation of costs in actions against city.

SECTION 58. In all actions in which the city of Manitowoc is a party, in the circuit court, the successful party shall not recover to exceed twenty-five dollars costs exclusive of disbursements. This section shall not be construed to limit the amount of costs the successful party is entitled to recover on appeal to the supreme court.

Fines and penalties, etc., to be paid into treasury and become part of general fund.

SECTION 59. All forfeitures, fines and penalties accruing to the city for a violation of this act or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become a part of the general fund; but the board of aldermen shall have power, whenever in its opinion justice shall be promoted thereby, to remit such fines, forfeitures and penalties or any part thereof.

Expenditure for extraordinary purposes to be submitted to voters for determination.

SECTION 60. Whenever the board of aldermen shall be of the opinion that the interests of the city require the expenditure of money for any extraordinary or special purpose which in its opinion can not be paid from any funds in the city treasury, it may make an estimate of the sum necessary to be raised for said purposes and for each of them, if there be more than one object, and to state the amount and the object for which it is required, together with its reasons for its opinions, and cause such statement and estimate to be published in all the papers published in said city, and shall give notice therein that on a day and at a place or places therein specified, a special election will be held at which the question whether the said sum or sums shall be raised or not will be submitted to the qualified voters of their determination. Said statement and notice shall be published once in each week for three successive weeks preceding the day of election. The board of aldermen shall designate in said notice where the polls will be held in each ward, and the said polls shall be held and the said election be conducted in the same manner as charter elections, and the aldermen of each ward shall be inspectors thereof. The ballots to be cast at said election shall be written or printed, or partly written or partly printed; on the inside thereof the object for such special tax,

and on the margin and opposite to such object or statement shall be placed the words "for" or "against," and if there shall be more than one object for a special tax proposed at any such election, then those several objects shall be specified on one piece of paper, and in the margin and opposite each one of those several objects or statements shall be placed the word "for" or "against," and the same shall be deposited in a box similar to the boxes required to be used at said charter election. False swearing and fraudulent voting shall be punished in the same manner as at other elections for county or state officers.

Special elections, votes to be canvassed and results declared.

SECTION 61. The board of aldermen, within one week after said election, shall meet and canvass the votes received, or the returns thereof, and the result or results thereof shall be entered upon the records of the board of aldermen and if a majority of all the votes cast at said election shall be for the raising of said tax, or for one or more of said objects, it shall be the duty of the said board af aldermen, to cause the said sums of money to be assessed, levied and raised in and by the next assessment roll at the time the next annual tax is levied and raised.

Borrow money, special authority required.

SECTION 62. Said city shall have no power, except where especially authorized thereto by law to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said city incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised in said city in the year in which such debt or liability was incurred.

Appropriations; how passed over mayor's veto.

SECTION 63. Should the mayor refuse to approve any ordinance or resolution appropriating money two-thirds of all the aldermen-elect voting in the affirmative shall have power to re-pass such ordinance or resolution appropriating money or creating a debt or liability, notwithstanding the objections of the mayor.

TAXATION.

Powers of board of aldermen to levy and collect taxes.

SECTION 64. For the discharge of any legal debt of the city, or expenditure authorized by

the board of aldermen, under any of the provisions of this act or of any ordinance of this city, or to defray the current expenses thereof, the board of aldermen shall have power by ordinance or resolution:

Contingent and general expenses.

1st To annually levy and collect a tax on all real and personal property in the city made taxable by the laws of the state, to defray the contingent and other general expenses of the city, and pay the interest annually on the bonded indebtedness thereof, which tax shall constitute the general fund.

Special fund for ward purposes.

2d. To annually levy and collect a tax not exceeding two *per centum* on the assessed valuation for that year of all taxable, real and personal property in any of the wards of said city for the purpose of creating a special fund for such ward, to be expended strictly for ward purposes, as by this act provided.

Support of schools.

3rd. To annually levy and collect such tax for the support of common schools of said city as is now required of towns under the laws of this state.

Exempted property subject to special taxes, when.

SECTION 65. Real estate exempted from taxation by laws of this state shall be subject to special taxes for the building of streets, sewers and sidewalks, except property belonging to the United States or to this state.

Assessor to complete assessment, when.

SECTION 66. The assessor or assessors of said city shall between the first day of May and the last Monday of June in each year, assess all the taxable property of said city. Such assessment and the returns thereon shall in all things be in accordance with the general laws of this state, except as herein otherwise provided.

Board of equalization: how constituted; compensation of.

SECTION 67. The mayor, city clerk, city assessor or assessors and one alderman from each ward of the city, to be selected by the aldermen from such wards, or in case of their disagreement, by the mayor, shall constitute the board of equalization. The mayor shall be president, and the city clerk, the clerk of said board. Each member of said board shall receive for his services, the same *per diem* compensation as is authorized by law to be paid to assessors.

Meeting of board of review; when held; continuance of.

SECTION 68. The board of review shall meet at the rooms of the board of aldermen on the first Monday of July in each year, for the purpose of

examining, correcting and equalizing said assessment roll. At least one week's notice of such meeting shall be given by the city clerk, by publishing said notice in the official papers of the city and by posting such notice in at least three public places in each ward of said city. Said board may adjourn from day to day until it has heard all parties appearing; provided, that the time for hearing said objections shall not be extended more than ten days from the first meeting of said board.

Powers and duties of board of review; owner to have notice of intention to increase assessment.

SECTION 69. Each assessor shall lay before said board his assessment roll and all sworn statements of the valuation of property made by others and delivered to him. The said board shall examine carefully all such rolls, statements and valuations of property, real and personal, and shall examine all parties under oath who wish to be heard. The said board may and shall, when it deems the valuation of any property assessed too high or too low on the assessment roll, raise or lower the same as the case may be, whether the person assessed appear before it or not, and it may also place upon the said roll any property that it may know to be left off from said roll by mistake or otherwise, and assess the same to the person to whom in right it should be assessed; and, provided further, that in all cases, if said board shall raise the amount of such assessment on any property, the owner thereof, if a resident of such town, shall be duly notified of such intention in time that such owner may be heard before such board in relation to the value thereof. All changes of the assessment roll by said board shall be recorded by the clerk and the minutes of its proceedings shall be filed and preserved in the office of the city clerk.

Certificate of equalization to be attached to assessment roll.

SECTION 70. When the assessment roll shall have been received, corrected and equalized, the board of equalization shall attach thereto its certificates signed by the mayor and countersigned by its clerk, that it has so equalized and corrected the same, and the said board shall deliver the said roll as completed, and all the sworn statements and valuations of personal property to the city clerk, which latter shall be filed and preserved by said clerk.

SECTION 71. All directions hereby given for the assessment of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax so assessed.

Error or informality not to vitiate tax.

SECTION 72. On or before the third Monday of November in each and every year the board of aldermen shall, by resolution to be recorded by the clerk, levy such sum or sums of moneys as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Annual tax levy; when and how made.

SECTION 73. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes in a book to be known as the tax roll, placing opposite the several sums set down as valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning such fraction as a cent, and deliver the same to the treasurer on or before the second Monday in December in each year. Such tax roll before being delivered to the treasurer shall be compared by the clerk with the assessment roll and to it he shall append his certificate that the same has been compared by him and that the total valuation of all real and personal property in said assessment roll has been copied into such tax roll; and the said tax roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and the assessment was just and equal. The collection fees received by the city treasurer shall be credited to the general fund of the city.

Assessment roll; clerk to complete and deliver to treasurer on or before second Monday in December.

SECTION 74. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed and deliver the same to the treasurer on or before the second Monday in De-

Assessment roll, clerk to deliver duplicate copy to treasurer with certificate, when.

cember in each year. Such tax roll, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, and to it he shall append his certificate that the same has been compared by him and that the said assessment roll, and the whole thereof has been copied into such tax roll; and the said tax roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Warrant; mayor and clerk to make commanding treasurer to collect taxes.

SECTION 75. To each assessment or tax roll so delivered shall be annexed a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer thereof, requiring and commanding him to collect the taxes and assessments in said roll specified, and to make due returns thereon according to law.

Assessment roll and warrant prima facie evidence of tax.

SECTION 76. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Collection of taxes; treasurer to publish notice of. Collection by distress, when.

SECTION 77. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in the official paper or papers published in said city that such tax list (describing for what purpose such tax or taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Taxes to be lien upon lands until paid.

SECTION 78. All taxes and assessments, general and special, levied under the provisions of this act or the laws of the state, shall be and remain a lien upon the lands and tenements upon which they may be levied or assessed, and on all personal property of any person or body politic, corporation or association assessed for personal taxes, from the time of the equalization of the assessment roll by the board of equalization until such tax shall be paid, and no sale or transfer of such

real or personal estate shall effect such lien. Any personal property belonging to the person taxed may be taken and sold for the non-payment of taxes upon personal property.

Personal property may be taken, when.

SECTION 79. It shall be the duty of the county treasurer of the county of Manitowoc to settle semi-annually, with the treasurer of the city of Manitowoc and pay over to him all moneys belonging to said city arising from the sale of lots and lands returned by said city treasurer to said county treasurer for the non-payment of taxes.

County treasurer to settle semi-annually with city treasurer.

EMINENT DOMAIN.

SECTION 80. For the purpose of laying out, altering or widening streets, lanes, alleys, public grounds, parks, cemeteries, sites for school buildings and other public buildings, and procuring lands to be used for the purposes of drainage and water distribution and other public municipal purposes not herein enumerated, the city of Manitowoc, shall have power to condemn lands under the provisions of section 927 and sections 895 to 903 inclusive, of the revised statutes of Wisconsin for the year 1878, and the several acts amendatory thereof, and every citizen of said city interested in said proceedings shall have all the rights of notice, hearing an appeal and other rights and remedies conferred by said sections of the revised statutes.

Right of eminent domain; city to have for purposes specified.

CITY IMPROVEMENTS.

SECTION 81. The board of aldermen shall have authority to establish the grade of all the streets and alleys of the city and to change and re-establish the same as it may deem expedient; provided, that whenever it shall change or alter the permanently established grade of any street, any person sustaining damages to his property abutting on such street by such change or alteration of grade, shall have the right to recover such damages in the manner set forth in this act.

Grade of streets; board of aldermen to establish. Damages for altering.

SECTION 82. The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked

Established grades; clerk to keep record of.

until the grade thereof is established and recorded in the manner herein set forth.

Carriage-ways and sidewalks, streets to be divided into.

SECTION 83. The streets shall be divided into a carriage way and a sidewalk on each side thereof; and the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material, but such sidewalk shall be kept clear for the use specified herein.

Grading and paving streets and alleys, power to. Limitation as to.

SECTION 84. The city may cause streets and alleys to be opened, leveled, graded, re-graded, graveled, re-graveled, macadamized, paved and re-paved with wood, stone or other materials, or improved in any other manner, and may cause such streets and alleys to be swept and cleaned; provided that no street shall be graded, graveled, macadamized or paved where the expense would exceed five hundred dollars, except upon the vote of two thirds of all the aldermen elected.

Grading and paving of streets, expense in first instance to be charged to abutting lots in proportion to benefits.

SECTION 85. In the first instance the grading, graveling, paving, planking, macadamizing or improving of any street or alley, and the construction of crosswalks where there is no intersection of streets, shall be chargeable to the lots or parcels of land fronting or abutting upon such street or alley, in proportion to the benefits accruing to such lots or parcels of real estate by reason of such improvement; provided, however, that the total amount so assessed to the abutting real estate as benefits shall not exceed the entire cost of such improvement; and provided further, that in no case shall the amount so assessed to any parcel of abutting real estate exceed the benefit accruing to such real estate by such improvements except in case of sidewalks.

Construction of crosswalks, etc., expense of to be charged to wards.

SECTION 86. The expense of improving all street crossings and of constructing all crosswalks at the intersection of streets or alleys, and across public grounds, shall be paid by the ward in which the same are located. The expense of maintenance, re-laying, keeping in repair and cleaning of streets in all cases where such streets have been constructed to the established grade, and graveled, planked, macadamized or paved as required by the board of aldermen, shall be paid out of the ward fund of the ward in which such streets are located.

SECTION 87. Before the board of aldermen shall change or alter any established grade or shall order any work to be done on any street, in whole or in part, at the expense of the abutting real estate, it shall order the board of public works to view the premises and determine the damages and benefits which will accrue to each parcel of the abutting real estate, by such change or alteration of grade, the entire cost of the contemplated work or improvement, upon the street, the benefits and damages that will accrue to the several parcels of the abutting real estate by such work or improvement, and the amount that should be assessed under the provisions of this act to each parcel of such abutting real estate, as benefits accruing thereto by such contemplated work or improvement.

Changes in established grades; how ordered.

SECTION 88. The board of public works shall make and file in the office of the city clerk a report showing their determination on the questions required to be considered by them under the provisions of the last preceding section.

Determination; board of public works to file report of.

SECTION 89. Notice shall be given by the board of public works by publication in the official newspaper of the city at least once in each week for two successive weeks that such report is open for review at the clerk's office and will be so continued for a space of twenty days after the date of such notice, and that on a day named therein, which shall be not more than three days after the expiration of said twenty days, said board will be in session at said clerk's office at an hour to be named, to hear all objections that may be made to such report. No irregularity in the form of such report nor of said notice, shall effect the validity of the same if it fairly contains the information required to be conveyed thereby. At the time and place specified for hearing objections to said report, said board shall hear all parties interested who may appear for that purpose, shall reduce to writing all objections that may be made and all evidence that may be offered to sustain the same and shall have power to review, modify and correct said report as they may deem just; and thereupon a complete and final report shall be made and filed by said board of public works with the city clerk, together with all objections and evidence taken before them, to sustain the

Notice to be given of time when board of public works will hear objections, etc.

Final report.

same, and the proof of publication of said notice; but no irregularity in the form of said report or manner of conducting the proceedings by said board of public works shall effect the legality of their said report.

Report of board of public works; confirmation or rejection of.

SECTION 90. The city clerk at the next regular meeting of the board of aldermen after the filing of said report, shall place the same before the board of aldermen for consideration and said board of aldermen may confirm or correct the same or refer the report back to the board of public works for further consideration.

Benefits, board of aldermen to determine amount of.

SECTION 91. Subject to the limitations hereinbefore mentioned, the board of aldermen may determine the amount to be paid by the abutting real estate as benefits on account of the improvement of a street, and the amounts that shall be paid by the city at large or out of the ward fund of the ward in which said improvement is made.

Publication of final determination.

SECTION 92. When a final determination shall have been reached by the board of aldermen and the report of the board of public works as made by them or as changed or modified by the board of aldermen, shall have been confirmed, the city clerk shall publish notice in the official paper of the city once in each week for two successive weeks, that a final determination has been made as to the damages that will accrue to the real estate abutting on the street, in case of the change of an established grade; and the benefits to be assessed to the abutting real estate in case of a proposed improvement.

Appeal from determination of board of aldermen; how taken.

SECTION 93. If the owner of any parcel of land abutting on the street mentioned in said notice feels himself aggrieved by reason of the determination made by the board of aldermen, he may within twenty days after the date of such determination appeal therefrom to the circuit court and such appeal shall be taken, tried and determined and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this act; provided, that in case any contract shall have been made for making the improvements, said appeal shall not affect such contract; but the amount assessed against the lot in question for benefits shall be collected as herein provided, notwithstanding such appeal; and in case the appel-

lant shall succeed, the difference between the amount charged by the determination of the board and the amount adjudged to be paid as benefits accruing to the parcel of real estate affected by such appeal shall be paid by the city at large

No remedy beyond appeal.

SECTION 94. The appeal given by the last section from the report of the board of public works, as confirmed by the board of aldermen, shall be the only remedy of the owner of any parcel of land or any person interested therein, affected by said improvement, for the redress of any grievance he may have by reason of making such improvements, or by reason of the change in the established grade covered by said report.

Public improvements; bids to be advertised for in official paper.

SECTION 95. When any of the works before mentioned shall have been ordered to be done, and the plans for the same containing a description of the work, materials to be used, and such other matters as will give an intelligent idea of the work required shall have been filed with the city clerk, where the same can be inspected by persons desiring to bid on such work, the board of public works shall advertise in the official paper of the city for bids for doing such work for such length of time as the board may think the interests of the city demand, not less, however, than once a week for two successive weeks. The board of public works shall prepare or cause to be prepared a printed form for the contract, with sureties required, and furnish the same to all persons desiring to bid, and no bid shall be considered unless accompanied by a contract with sureties as prescribed by the form so furnished, completed, with the exception of the signatures on the part of the city. The notice published shall inform bidders fully of this requirement.

Bids may be rejected or contract let; when.

SECTION 96. The board of aldermen shall have power to reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition; otherwise, the contract shall be let by the board of aldermen to the lowest responsible bidder. The contract shall not take effect until the sureties shall have been approved by the mayor.

Certificates to be given upon approval of work done.

SECTION 97. Whenever any work has been done under contract, as provided in this act, and the same shall have been approved by the board of

public works, the contractor shall be entitled, if his contract so provides, to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable to said lot. Said certificate shall be in such form as the board may prescribe. The amount chargeable to the city or ward shall be paid as the contract for the work may provide.

Certificate to be conclusive evidence, when; when to be included in tax levy.

SECTION 98. After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legalty of all proceedings up to and inclusive of the issue thereof, and may be transferred by endorsement; provided, however, that this shall not effect any appeal from the report of the board of public works as confirmed by the board of aldermen. If said certificates are not paid before the making out of the next tax roll the same may be filed with the city clerk, and when so filed the clerk in making out the next tax roll shall include an amount sufficient to pay said certificates with interest thereon at the legal rate from the date of such certificate to the time when the city treasurer is required to make return of delinquent taxes, as a tax against the lots or parcels of land described in such certificates respectively; and thereafter the same proceedings shall be had as in the case of other taxes, and the city after its said return of delinquent taxes shall have been made shall pay to the owner of any such certificate its amount with interest as aforesaid.

Time and manner of payment.

SECTION 99. Whenever a contract is let for doing any work specified in this act chargeable to the abutting real estate, it may provide that the amounts so chargeable shall be paid to the party doing the work after the completion and acceptance thereof, wholly in cash or in certificates as mentioned in section 97 and 98 of this act, or in improvement bonds as hereinafter provided, or that the same shall be paid partly in cash and partly in such certificates or bonds.

Bonds; payment of improvements in, how.

SECTION 100. As soon as the amount chargeable to the abutting real estate is finally determined, the board of aldermen may, if they shall elect to pay for such improvements in whole or in part in bonds, cause a notice to be published in the official paper substantially in the following form:

CITY IMPROVEMENT NOTICE.

Notice is Hereby Given. That a contract has been (or is about to be) let for (describe the work and street); and that the expense of said improvement chargeable to the abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is now on file with the city clerk; that it is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments for such work, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk within thirty days after the date hereof a written notice that they elect to pay the special assessment on their property, describing the same, on presentation of the certificates, or before the next tax roll shall be made out for said city. Form of notice.

SECTION 101. After the expiration of said thirty days, the board of aldermen may issue improvement bonds covering all of the assessments except such as the owners have filed notice of election to pay as stated in the last preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that they are chargeable to particular property, specifying the same and the number and amount of said bonds. Bonds; issued in payment of improvements, when.

SECTION 102. Said bonds shall be semi-annual interest coupon bonds, payable at the option of the city after five years and absolutely at the expiration of seven years from their date, and shall draw interest at a rate not to exceed six *per cent. per annum.* Bonds; conditions of.

SECTION 103. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued and record the same together with a copy of said bonds in his office. Clerk to prepare statement.

SECTION 104. The city treasurer shall pay the interest on, and principal of, the said bonds as the same become due, and charge the amount to the proper fund. Treasurer to pay interest and principal.

SECTION 105. In each year after the issuing of said bonds when the tax roll for the year is pre-

One-fifth of special assessment with interest to be paid annually.

pared, one-fifth of the special assessment on each parcel of property covered by said bonds, with interest at the rate specified in said bond, on the amount of said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property; and thereafter the tax shall be treated in all respects as any other city taxes and when collected the same shall be credited to the fund against which payments on said bonds are charged.

Bonds to be conclusive proof of validity of proceedings.

SECTION 106. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after bonds have been issued, covering such special assessments, and said bonds shall be conclusive proof of the taking and of the validity of all the proceedings on which the same are based.

Board of park commissioners, establishment of; powers and duties.

SECTION 107. The board of aldermen shall have authority to establish a board of park commissioners, to prescribe their powers, and fix their compensation; and shall have full power to legislate with reference to public parks. Provided, however, that no park shall be established at the expense of the city, unless the same has first been submitted to a vote of the electors at an annual city election and there is a majority vote in favor of the same.

Street lighting, expense of to be charged to ward.

SECTION 108. The expense of lighting streets shall be paid out of the several ward funds in proportion to the actual cost to the city, of lighting said wards respectively; and the city shall annually levy a sufficient amount of taxes in each ward to pay for the expense of lighting the same.

Exemption from tax for street improvements, what property to be.

SECTION 109. No lot or parcel of land in the city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or to the state of Wisconsin. All taxes levied upon any park or public ground, by virtue of this act, shall be paid by the wards on that side of the Manitowoc river where said park or public grounds are situated.

Vacation of streets and alleys, petition for, how granted.

SECTION 110. The board of aldermen shall have power to vacate any street or alley or any block or part of a block in said city upon a written peti-

tion signed by twenty or more resident freeholders of the ward in which such street, alley or block is situated, provided that two-thirds of the aldermen-elect shall be required to vote in favor of any such application before it shall be granted. Whenever, by deed or re-survey any two or more lots in any block have been subdivided so as to change the front of said lots from one street to another street, said lots shall have been deemed re-surveyed and re platted and shall be taxed for the purpose of improving streets and sidewalks on such streets on which they abut after subdivision, but lots so subdivided shall be at least one hundred feet long.

SIDEWALKS.

Sidewalks to be laid to street grade, when.

SECTION 111. In all cases where the grades of sidewalks shall not have been specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

Sidewalks, standard of to be fixed.

SECTION 112. The board of aldermen may, from time to time, by resolution establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets.

Sidewalks, grading of to be a part of street improvement; owner to construct.

SECTION 113. Whenever a street shall be improved for the first time, or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement and shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving streets. But the construction of the sidewalk shall be done by the owners of abutting lots or parcels of land or at their expense as hereinafter provided.

Sidewalks, construction of on petition; notice for how given.

SECTION 114. Whenever the board of aldermen shall deem it necessary to construct any sidewalk within said city they shall require the street commissioner to notify the owner or occupant of any lot or parcel of land adjoining such contemplated sidewalk, by publishing such notice for two weeks in the official paper or papers in said city, that such sidewalk must be built within ten days after the date of such notice, at the proper cost and charge of such owner. If

such work is not done within such time and in the manner described in such notice, the said street commissioner shall cause the same to be done by letting the contract to the lowest responsible bidder, and charge the expense thereof to the lot or lots properly chargeable therewith. He shall also be required to report to the board of aldermen the amount charged on each lot, which report shall be verified by affidavit, and upon examination and acceptance of such report by the board of aldermen, certificates shall be issued to the person or persons having made such sidewalk in the same way as provided in sections 97 and 98 of this act, provided, that before the said board of aldermen shall order the construction of any sidewalk a petition signed by at least one half of the resident owners of the lands or lots abutting on the line of such proposed sidewalk shall be presented to the board of aldermen and allowed by a vote of a majority of all the aldermen-elect. Such votes shall be taken by the ayes and nays and entered upon the record of the proceedings of the said board.

Sidewalks, repair of how ordered; street commissioner to make, when.

SECTION 115. It shall be the duty of the street commissioner to see that the sidewalks of the city are kept in good repair, and he shall give notice in writing to the owner or occupant of any lot or parcel of land, if they reside in the city of Manitowoc, of any damaged or dangerous places such street commissioner may find in the sidewalk in front of such lot or parcel of land, and requiring him to repair such sidewalk within twenty-four hours from the date of such notice; and a copy of such notice shall also be filed in the office of the city clerk. If the owner or occupant of such lot or parcel of land does not live in the city of Manitowoc, or cannot be found, then the said street commissioner shall post such notice to be given to such owner or occupant at some conspicuous place on said lot or parcel of land, which shall be deemed a sufficient notice for all purposes required by this section. If the owner or occupant of such lot or parcel of land shall fail to repair or re-build such damaged or dangerous places, then the said street commissioner shall cause the repairs or re-building to be made, the cost and expenses of which shall be ascertained by affidavit of the person

making the same, and certified to by the street commissioner having the supervision thereof, and after being approved and allowed by the board of aldermen shall be a legal charge and tax against such lot or parcel of land and entered on the next annual tax roll as delinquent street tax, as prescribed in this act.

SEWERS.

Sewers, system of to be determined before entering upon construction of.

SECTION 116. The city of Manitowoc shall have full power to construct systems of sewerage, but shall not enter upon such construction until the city shall have been divided into sewerage districts, and a plan shall have been adopted in the manner hereinafter specified; provided, that it shall not be necessary before any part of the system is constructed that the plan shall be determined upon in all its details, but it shall be settled so far as it relates to that portion of the city upon which the construction is to be commenced.

Sewerage districts, board of public works to prepare plans of.

SECTION 117. The board of public works shall cause diagrams of the plans of sewerage for each district to be prepared, showing the lots and parcels of land, the main sewers, minor sewers, manholes, catch basins and all other matters pertaining to the system.

Sewerage plans; notice of completion of and to hear objections to, how given.

SECTION 118. On the completion of such diagram notice shall be given in the official paper of the city substantially in the following form:

Notice is hereby given: That a plan for sewerage for the district bounded as follows: [give boundaries] has been prepared and is now open to inspection at the office of the city clerk; that all persons owning or interested in real estate in said district are entitled to examine the same at any time within thirty days after the first publication of this notice and file objections to said plan; that on the .... day of ...., 18.., this board will be in session at said clerk's office at the hour of .... o'clock, .. M, to consider any objections that may have been filed, and all persons desiring to be heard before the board can then be heard.

Dated .....

....,

....,

....,

Board of Public Works.

The date for hearing specified shall be within thirty days after the last publication of said notice which shall be published at least once in each week for four successive weeks.

Board of aldermen may approve or reject.

SECTION 119. At the time and place specified for said hearing the board of public works shall take and consider all objections made to the plan as proposed and shall take down in writing any testimony that may be offered to sustain such objections. When the board shall have concluded its hearing they shall report the proposed plan with all objections offered and the evidence taken thereon, to the board of aldermen. The board of aldermen shall then examine the same and may approve the plan as proposed or change it in such manner as they may think proper and approve as changed or modified by them, or may reject the plan and direct the board of public works to propose a new plan, in which case the same proceedings shall be had as before.

Duplicate plans to be filed with clerk and register of deeds.

SECTION 120. When the plan for any sewerage district is finally determined, complete diagrams of the same shall be prepared in duplicate and certified to be correct by the board of public works; one of which diagrams shall be filed in the office of the city clerk and one in the office of the register of deeds of the county within which the city is located.

Proposed, sewers; report of to be made, when.

SECTION 121. On or before the first Monday of March in each year the board of public works shall present to the board of aldermen a report of the sewers necessary or advisable to be constructed during the ensuing year. The board of aldermen shall, as soon as practicable consider said report and may approve the same or make such additions or changes as to them may seem best, and adopt the report as changed or modified. No sewer shall be constructed during the ensuing year except such as shall have been determined upon in the manner aforesaid, except by a vote of three-fourths of all the members of the board of aldermen.

Contracts for sewers, how let.

SECTION 122. After the board of aldermen shall have ordered the construction of any sewer the board of public works shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file in the office of the city clerk for the examination and guidance of bidders, plans and specifications

describing the particular work to be done and the kinds and qualities of materials to be used as directed by the board of aldermen and shall let the contract to the lowest responsible and reliable bidder; provided, however, that the board of public works shall have the right to reject all bids and re-advertise for proposals if they believe none of the bidders are responsible or if they believe any agreement has been entered into between bidders to prevent competition; and provided further, that the contract shall not be binding till the same shall have been approved by the board of aldermen and signed by the mayor and countersigned by the clerk.

Payments either in certificates or bonds.

SECTION 123. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive as payment for so much of the work as has been assessed against the lots opposite to the front of which any such sewers shall extend, certificates against such lots respectively or improvement bonds, and the residue of such contract shall be paid out of the proceeds of the general sewerage tax to be levied on the real estate and personal property within the sewerage district by the board of aldermen on the recommendation of the board of public works.

Assessments for sewer construction, board of public works to make; corner lots, how assessed.

SECTION 124. After any contract for the construction of any sewer to be paid for in whole or in part by such assessments shall have been entered into, the board of public works shall make or cause to be made an assessment against all lots, parts of lots, and parcels of land fronting or abutting on the work so contracted to be done on each side of the same for its whole length, and which have not been before so assessed for sewerage purposes, at the rate of twenty-five cents per lineal foot of the whole frontage of each lot, part of lot or lots or parcel of land fronting or abutting on either side of said sewer, except corner lots which shall be assessed therefor as follows: Corner lots not subdivded in ownership, and the subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership, shall be entitled to a deduction in making such assessment, of one-third from the aggregate of the street lines of such corner lot or corner subdivisions thereof on all the streets in front thereof; such deduction to be made in the assessment of the longest street line of such

corner lots or corner subdivisions thereof, or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable; provided, however, that when the actual cost of any sewer shall be less than fifty cents per lineal foot, then and in that case, the assessment shall be for the actual cost of such sewer per lineal foot one half thereof to be chargeable against the property fronting or abutting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided, and the subdivisions thereof are owned by different persons, no subdivisions of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Apportionment of sewer tax upon notice of subdivision of property, when.

SECTION 125. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of benefits accruing to it by a system of sewerage shall have been made, and before such system shall have been fully carried out and extended to such lots assessed, and the assessment on such work paid, any party interested may give notice to the board of such subdivision and in such case or when said board shall in any other way become cognizant of the fact of such subdivision, they may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; but if by neglect of the owners of the lot so divided no such apportionment shall be made, then the entire lot shall be liable for the entire tax.

Sewers in street and alley crossings, catch-basins, etc., cost of to be paid from sewerage fund.

SECTION 126. The cost of all sewers in streets and alley crossings, and of all sewers in excess of fifty cents per lineal foot, chargeable to the lots and lands as provided in section 124 of this act, of all catch basins for receiving water from the gutters; and of overflow pipes connecting them with the sewers, of all temporary catch-basins, and of repairing and cleaning sewers, and all expenditures for temporary work necessary to carry on the system of sewerage herein provided, and all costs of constructing sewers not provided for by special assessment, shall be paid out of the fund of the proper sewerage district. All cleaning and repairing of sewers and catch-basins and all temporary work necessary to be done

as above stated, shall be done by the street commissioner under the direction of the board of aldermen.

Money required for sewerage purposes, board of public works to report, when.

SECTION 127. The board of public works shall report to the board of aldermen on or before the first day of November each year, as accurately as may be, the amount of money required for sewerage purposes for that year in each district, in addition to the special assessments made; and the board of aldermen are authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of two and one-half mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district; which tax, so levied, shall, when collected, be placed in the fund of the sewerage district in which the same has been collected; and the city treasurer is hereby directed and required to keep a separate and distinct account for each sewerage district.

Liquidation of contracts; city orders to be issued for work in excess of certificates.

SECTION 128. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment certificates against the lots, parts of lots or parcels of land so as hereinbefore directed to be assessed, so far as the same will go, in liquidation of the amount of such contract, and shall be entitled to receive city orders for the balance due, payable only out of the fund of the proper district; and it shall be the duty of the board of public works, after the completion of any contract and acceptance of the work, to deliver such certificates on the request of the person entitled to receive them; and where any sum is found to be due a contractor over and above the amount of certificates so to be issued and received in part payment, to certify such excess to the board of aldermen, who may direct an order to be drawn on the proper fund for the payment thereof. All certificates of special assessments for building sewers shall be signed by the mayor and countersigned by the clerk of said city.

Sureties, mayor and city attorney to approve.

SECTION 129. All contracts entered into for the construction of sewers shall be with sureties, and before going into effect shall be approved as to form and the sufficiency of the sureties by the mayor and city attorney.

Superintendence and approval of work.

SECTION 130. In all cases the work shall be subject to the superintendence and direction of the board of public works; and no contractor shall be entitled to recover compensation for any work executed by him in any form of action, unless such work shall have been approved by said board; provided, that said board may, from time to time, as the work progresses, at their discretion, grant to any contractor for a sewer an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty-five *per centum* of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty-five *per centum* from the proper fund.

Water and gas service pipes, laying of, when. Notice to, how given.

SECTION 131. Whenever the common council shall order the paving or repairing of any street in the city in which water pipes, gas mains or sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution, require the board of public works to cause water and gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street, from the main sewer, water and gas mains in such street, to the curb line on either side of the street at intervals not less than twenty feet, along the whole length of such paved street, except at street and alley crossings, and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days, in the official papers, requiring them to do such work opposite their respective lots, according to the plan and specification to be before prepared and on file in the office of said board, showing the location and the size and the kind and quality of material of such lateral sewers or drains, and water and gas service pipes, and if such owners or occupants shall refuse or neglect to do the same, before the paving or preparing of said street so ordered, and within ten days after the publication of such notice the said board may procure the same to be done; and charge and assess the expense thereof, to the lots or parts of lots fronting upon such work in the manner following: Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the

intervention of a contract; the board of public works shall keep an accurate account of the expenses of the work so done by them or by their order in front of each lot, sub-division or parcel of land, whether the work be done by contract or without the intervention of a contract, and report the same to the board of aldermen, and the amount so reported shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or re-paved by order of the board of aldermen unless the water and gas mains and service pipes, and necessary sewers and their connections shall, as required by the board of aldermen, be first laid and constructed in that portion of such street so to be paved or re-paved.

Private drains and sewers.

SECTION 132. It shall be the duty of the said board of public works to see that proper drains and sewers are constructed from every lot in said city which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

Location, arrangement and materials.

SECTION 133. The said board of public works shall describe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewer shall be constructed.

Specifications to be filed for examination.

SECTION 134. The said board of public works shall have at the office of the city clerk, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and they shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which the work shall be

completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, they shall advertise for proposals and let the same by contract; and at the completion of the contract, shall give to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots.

City to let contract, when.

Powers of contractor.

SECTION 135. Any person who has taken such contract from said board of public works to construct a private drain or sewer from any lot, shall be authorized to enter upon such lot and construct thereon such drain or sewer, and shall have free ingress or egress upon the same with men for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Permits for connecting private drains; who to grant; charge for.

SECTION 136. No private drain shall be connected with any public sewer without the said board of public works first issuing their permit for such connection; and there shall be paid for such permit into the general fund of the sewerage district, by the owner of any lot from which a private drain is let into a public sewer, an amount to be fixed by said board proportioned to the size of such private drain, but not less than two and one-half and not more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot, and collected as the other special assessments, and shall be collected as other taxes on real estate are collected, provided, that no charge shall be made for the permit herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises to be connected.

Connections with public sewers; when required, penalties.

SECTION 137. No person is required to make connection until building, and no person shall break open or make connections with any public sewer, except by the consent and under the direction of the board of public works, and any person who shall do so, or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five thousand dollars, or imprisoned in the county jail not to exceed three months.

Contractor to restore streets, etc., to former condition.

SECTION 138. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets of said city, and through any breakwater into any lake, and also in any highways of the county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, breakwaters and highways, and to restore the same to the former condition upon the completion of such sewers.

Diagrams; conclusive proof, when.

SECTION 139. Either of the duplicate diagrams filed as the final determination for a plan of sewerage for any district after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage, shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage shall not thereafter be called in question in any court.

Sewerage plans, how changed.

SECTION 140. When a plan of sewerage has been finally determined upon, it shall not be changed, except by a vote of three fourths of all of the members of the board of aldermen, in favor of the same. Such change shall be by ordinance passed at a regular meeting after the same shall have been published, at least once in each week, for two successive weeks, in the official paper of the city.

Diagrams of changes to be filed; conclusive proof, when

SECTION 141. When such change shall have been determined upon duplicate diagrams shall be prepared, certified and filed as before showing the plan of sewerage as changed, and after nine months from the date of such filing, the said duplicate shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; the expense of any change rendering useless any existing sewer shall be paid out of the general fund.

Payment of contract; bonds may be issued for, when.

SECTION 142. Whenever a contract shall have been let for the construction of any sewer and the amounts have been determined that are chargeable to the lots or parcels of land abutting on the street or alley through which said sewer is to be

constructed, if the board of aldermen deems it for the best interest of the property owners affected by the special assessment for the constructing of said sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks, substantially in the following form:

SEWERAGE ASSESSMENT BONDS.

Form of notice.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: [describe location of sewer]; that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street or alley through which said sewer is to be constructed is now on file with the city clerk; that all parties who desire to pay the special assessment on presentation of the proper certificate are required to file their notice to that effect with the said clerk before the expiration of thirty days from the date of said notice; that the city will issue its ..... *per centum* semi-annual interest coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on presentation of the certificates in the manner stated, that said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated.....

.....

City Clerk of the City of Manitowoc.

Sewerage bonds, term of and interest.

SECTION 143. The city shall have power to issue coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bond shall be payable at the option of the city after five years from the date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six *per centum per annum*, shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein and such other provisions as the board of aldermen may think proper to insert. The bonds shall be signed by the

mayor, countersigned by the clerk, and sealed with the corporate seal of the city.

SECTION 144. Said bonds may be sold by the board of aldermen at not less than par value and the proceeds paid to the sewerage contractor, or the contract may provided that the contractor shall take the bonds as a payment on his contract at their par value with accrued interest.

Bonds not to be sold at less than par value.

SECTION 145. The city shall pay the principal and interest on said bonds as they fall due and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the manner following: The city clerk shall in each year for five years next succeeding the issue of said bonds enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds, one-fifth of the special assessment as to each said parcel of land with interest on the whole amount of said special assessment on such parcel of land then unpaid at the rate specified in the bond. Said tax shall be treated in all respects as any other city tax, and when collected shall be credited to the sewerage fund of the city.

Payment of principal and interest, how.

SECTION 146. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section.

No action to be brought to avoid tax.

BRIDGES.

SECTION 147. The board of aldermen shall have power and authority to order and regulate the building of bridges across the Manitowoc river in said city of Manitowoc, to repair and rebuild and provide for the security and protection of the same; provided, that no bridge shall be nearer the mouth of said Manitowoc river than Eighth street.

Bridges, building of.

SECTION 148. All bridges built under the provisions of this act shall be built in such style and manner that they may be opened for the purpose of allowing steam or sailing vessels to pass up or down said river; provided, that if any such bridge shall be built high enough above the water to enable the hull, cabin and pilot house of any tug boat to pass under said bridge, the board of aldermen may order by ordinance or otherwise that such tug boats shall lower or lay down their

Same to open to permit passage of vessels.

smoke stacks so as to pass under such bridge without requiring the opening of the same; and the said board of aldermen may also limit by ordinance the time allowed to any steam or sailing vessel in passing the bridge and may levy and collect fines for the violation of such ordinance.

How paid for.

SECTION 149. All bridges built under the provisions of this act, and all repairs and re-building of such bridges, shall be paid for out of the general funds in the treasury of said city. And the board of aldermen are authorized and empowered to assess, levy and collect by taxation the necessary sums of money to pay for such building, re-building or repairing of such bridges.

Contracts, how let.

SECTION 150. Whenever the board of aldermen shall have determined to build, re-build or repair any such bridge, they shall cause plans and specifications thereof to be made and filed in the office of the city clerk and shall then direct such clerk to advertise in the several newspapers printed in the city of Manitowoc and such other papers as they may deem necessary for the interests of said city, at least four weeks, for sealed proposals for the building, re-building or repairing of such bridge according to such plans and specifications, stating in such notice the time when the bridge or the work thereon must be completed and the time or times at, and the manner in which payment will be made. The provisions of section 95 of this act, so far as applicable and not contrary to the provisions of this section, shall be observed in regard to such notice; the form of contract and sureties in all contracts for bridge work, and the provisions of section 96 of this act shall control in the acceptance of bids and the approval of sureties relating to all work upon bridges; provided, however, that all work done upon any bridge or bridges in the city of Manitowoc which will not cost, according to the estimate of the board of aldermen, to exceed one hundred dollars, may be done by order of the board of aldermen without the intervention of a contract under the supervision of a committee of said board or any proper person appointed by them.

Proceedings upon petition to construct bridge.

SECTION 151. Whenever a petition signed by at least two hundred legal voters of the city of Manitowoc, praying for the construction of any

bridge shall be submitted to the board of aldermen, it shall be the duty of said board to inquire into the expediency and probable cost of the building of such bridge; and they shall submit to the electors at the next general or city election, or at a special election called for that purpose, the question whether such bridge shall be built or not. The ballots used at such election shall be written or printed, or partly written or printed, as follows: "For street bridge," or "Against street bridge." The election shall be conducted, the votes counted, canvassed and returned as prescribed for the election of city officers, and if it shall appear that the majority of the votes cast at such election shall be in favor of building said bridge, then the said board of aldermen shall forthwith proceed to prepare or cause to be prepared plans and specifications, and advertise for proposals in the same way as if the building of such bridge had been ordered by the board of aldermen according to the provisions hereinbefore contained in this act; but if a majority of the votes cast at such election shall be against the building of such bridge, such bridge shall not be built or contracted for to be built within two years after the date of such election.

General fund, what shall be chargeable thereto.

SECTION 152. The costs and expenses of surveying the streets and alleys of said city and of the construction of the bridges over creeks and ravines, the banks of which are so high or so far apart that the intervening space cannot be filled for a sum not exceeding fifty dollars, and of the repairing, cleaning and tending all bridges in the city and the cost and expense of cleaning springs, creeks and reservoirs shall be chargeable to and payable out of the general fund of said city.

HARBORS AND DOCKS.

Dock lines to conform to original meander; protection of harbor.

SECTION 153. The board of aldermen by ordinance may designate and establish dock lines on the Manitowoc river within the boundaries of said city, conforming as near as practicable to the original meander and surveys thereof, but shall not locate them inside the original meander lines: may provide for the protection of the banks of any and all creeks and streams of water empty-

ing into said river so as to prevent sand and other obstructions from washing into said river; may provide for docking the banks of said river, and for requiring the owners of docks to repair and make the same conform to the established line and require the filling of lots abutting on such dock; may require the several owners of lots, parts of lots or parcels of land abutting on said river or any such creek or stream of water to fill the same in such a manner and within such time as such aldermen shall direct, and to make such other protections on any such lot or parcel which may be necessary to prevent obstructions from working into said river.

Docks, construction or repair of; city to do, when.

SECTION 154. If the owner or owners of any such lot or lots shall refuse, within the time specified by said aldermen, to build or repair or change or alter such docks or other protections, or otherwise comply with the provisions of any ordinance enacted pursuant to the last preceding section, the aldermen may let such docking, repairing or altering of docks and filling or other specified protection for such lot or lots by contract to the lowest bidder for the same; and when such work shall be completed according to such contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price which shall be from that time a lien upon said lot or lots and shall be in like form and of like force and effect and collectible and payable in like manner as certificates issued in cases of street work; but no part of the expense of any such work shall be paid by the city.

Dredging; contracts for, how let.

SECTION 155. The board of aldermen shall have power to provide for dredging the Manitowoc river on both sides thereof from the established dock line to the center of the river. They shall let by contract such dredging as may be required from the center of the river to within thirty feet of the established dock line. Such dredging to be done in such manner and to such depth and within such time as the aldermen may direct, the compensation for such work to be paid out of the general fund; and said board may require the several owners of lots or parcels of lands abutting on said river to do such dredging as may be required opposite his respective lot or lots to the distance of thirty feet from the estab-

lished dock line, in such manner and to such depth and within such time as the board of aldermen may direct; and the earth excavated from the bed of said river within said thirty feet may be deposited upon such lot or lots.

Proceedings upon owners' default.

SECTION 156. If any owner of such dock lot shall refuse or neglect within the time specified by said aldermen to do such dredging, the board of aldermen may let such dredging by contract to the lowest bidder for the same, and when it shall be completed according to such contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price of the work, which certificate shall from that time be a lien upon said lot or lots the same as other special assessments, shall be in like form and of like force and effect, and collectible and payable in like manner as certificates issued in cases of street work.

MISCELLANEOUS.

Actions to be brought in the corporate name.

SECTION 157. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

Judgment in actions brought to recover penalty.

SECTION 158. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Manitowoc county for a term not exceeding three months, and shall forthwith commit the defendant for the term fixed by such judgment; and in all cases where the judgment shall be that the defendant shall be imprisoned in the county jail, the court may in its discretion enter a further judgment that the defendant pay the costs of prosecution and that he be held in imprisonment in the said jail until such costs be paid or he be otherwise discharged by due course of law.

Residence not to work, incompetency of judge or jury.

SECTION 159. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

General laws to be in force unless otherwise provided.

SECTION 160. The general laws of the state of Wisconsin for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, streets, roads and bridges, the punishment of offenders and the collection of penalties shall be in force in said city except as in the charter of said city it is otherwise provided. But no general law of this state shall be construed to amend, repeal or modify the provisions of this act unless such purpose be expressly set forth in said law.

Reward for criminals.

SECTION 161. Whenever any heinous offense or crime has been committed against life or property within said city, the mayor, with the concurrence of two-thirds of all the aldermen, may offer a reward for the apprehension and delivery or conviction of such criminal or perpetrator of such crime; provided, that in no case shall the reward so offered exceed the sum of five hundred dollars.

Contracts to contain provisions requiring precaution against accidents.

SECTION 161. Whenever the city shall be a party to a contract for any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public grounds of said city, there shall be inserted in the contract therefor substantial covenants requiring each contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of such street, alley, highway or other public grounds for which the city might be liable; and it shall also be provided in such contracts that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result therefrom, or which may result from the carelessness of such contractor, his agents, employes or workmen.

Licenses, manner of issuing.

SECTION 163. Every license issued in said city by the authorities thereof, under and by virtue of the laws of the state of Wisconsin, the provisions of this charter or the ordinances of said city,

shall be signed by the mayor and clerk and sealed with the corporate seal; but no such license shall be issued by said mayor and clerk until the person applying for same shall have deposited with said clerk the receipt of the city treasurer for the amount to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors until the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, and such other bond as the board of aldermen may require, which bond shall be approved by the mayor. It shall be the duty of the mayor and clerk to report to the board of aldermen at each regular meeting thereof the licenses issued by them and not before reported, and the board of aldermen shall, by vote, approve or disapprove of the same. If the board of aldermen disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the board of aldermen, and such license shall thereafter be void. The board of aldermen, when license is not approved, shall refund a fair proportion of the license money paid.

Salaries; maximum amount fixed.

SECTION 164. The salaries to be paid to the several city officials shall not in any year exceed the sums named as follows: Salary of the city treasurer, eight hundred dollars; city marshal, five hundred dollars; city clerk, five hundred dollars; city attorney, five hundred dollars.

Oath of office; who may administer.

SECTION 165. The mayor, city clerk or city attorney may administer the oath of office to the several city officials, including inspectors of elections. The city treasurer may administer the oath required by this act to any party presenting a claim or demand to the board of aldermen for allowance and payment. No fee shall be charged for administering the oath of office to any city official.

Officers not to be interested in contracts.

SECTION 166. No alderman or other officer of said city shall be directly or indirectly interested in any contract in which said city shall be a party; and any aldermen or other officer violating the provisions of this section shall be liable to pay a penalty of not less than twenty-five nor more than one hundred dollars; to be recovered in a

civil action by the city, and when collected to be paid into the city treasury.

Published proceedings to be evidence of regularity of improvements ordered.

SECTION 167. All acts, orders and resolutions of the board of aldermen of the city of Manitowoc ordering the improvement or grading of streets, heretofore or hereafter made, which shall have been or be duly recorded in the proceedings of said board of aldermen and published with the proceedings of said board, are hereby ratified, confirmed and declared to be as valid and of as full force and virtue as if said orders or resolutions ordering streets to be improved or graded had been done by ordinance. The record of the board of aldermen shall be *prima facie* evidence that the facts therein recited were duly performed according to law and that the records of said proceedings were duly published.

Recording ordinances.

SECTION 168. The board of aldermen of the city of Manitowoc are hereby authorized to procure and keep a book or books in which shall be recorded all of the ordinances adopted by said board of aldermen. The certificate of the city clerk attached to ordinances therein recorded, certifying that same have been duly passed and published, shall be *prima facie* evidence of the facts therein recited. Such book or books of ordinances shall be received as *prima facie* evidence of the facts therein recited in all courts of the state.

Contracts, when to take effect.

SECTION 169. All contracts to which the city is a party shall before taking effect, be signed by the mayor, countersigned by the city clerk, and sealed with the corporate seal of the city.

Justices, office of.

SECTION 170. Any justice of the peace elected in any of the wards of the city may hold and keep his office and place of business at any place to be selected by him within the limits of said city.

Injuries; city not primarily liable, when. Action for how brought.

SECTION 171. Whenever any injury shall happen to person or property in the city of Manitowoc by reason of any defect or incumbrance in any highway, street, alley, sidewalk or public ground or from any other cause for which the city may be liable and such defect, incumbrance or other cause of such injury shall be caused by, arise from, or be produced by the wrong, default or negligence of any person, party or other corporation, such person, party or other corpora-

tion so guilty of such wrong, default or negligence, shall be primarily liable for all damages arising from such injury; but the city of Manitowoc shall be sued, if at all, in the same action with the person, party or other corporation so primarily liable and shall be complained against as if primarily liable. If the city of Manitowoc in any such action shall answer that it is not primarily liable, alleging who is primarily liable, and the verdict or finding shall be that the city of Manitowoc is liable, but not primarily, then the court shall enter judgment for the amount stated in the verdict or finding against all the defendants against whom the verdict shall be found or finding made; but the court shall stay execution against the city of Manitowoc until execution against the party or parties found to be primarily liable shall have been returned unsatisfied in whole or in part. When such execution shall have been so returned, then such judgment may be enforced against the city of Manitowoc for whatever amount shall then remain uncollected or unpaid thereon.

Officers to continue until expiration of term.

SECTION 172. This act shall take effect and be in force from and after its passage and publication; provided, however, that each one of the present officers of the city shall continue in office with all the powers conferred by this act until the expiration of his term of office or until his successor is elected and qualified.

Approved March 27, 1891.

No. 197, S.] [Published April 2, 1891.

CHAPTER 98.

AN ACT to amend and revise chapter 140 of the laws of Wisconsin for the year 1885, entitled, "An act to incorporate the city of Cumberland."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 140, laws of 1885.

SECTION 1. Chapter 140 of the laws of Wisconsin for the year 1885, entitled, "An act to incorporate the city of Cumberland," approved March 27, 1885, is hereby amended and revised so as to read as follows:

CHAPTER I.

THE CITY OF CUMBERLAND, ITS CORPORATE POWERS.

Corporate name and powers.

SECTION 1. All that district of country in the county of Barron, and state of Wisconsin, hereinafter described is hereby set off and separated from the town of Cumberland, and shall be a city by the name of Cumberland, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Cumberland, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all the courts of law and equity, and shall have a common seal, and may alter the same at pleasure.

CHAPTER II.

CITY AND WARD BOUNDARIES.

City boundaries.

SECTION 1. The north half of section number eighteen, all of sections number six and seven, al-

being in township number thirty-five north, of range number thirteen west, in the county of Barron and state of Wisconsin, shall be included in and constitute the limits of the city of Cumberland.

SECTION 2. The city shall be divided into four wards, called First, Second, Third and Fourth wards, limited and bounded as follows: All that portion of said city lying south of a line drawn east and west along the center of Elm street and extended west from the end of Elm street to the west boundary of said city, shall constitute the First ward; all that portion of said city lying north of said line of Elm street and east of the main track of the Chicago, St Paul, Minneapolis and Omaha railway running through said city, and south of the center line of Water street extended east to the eastern boundary of said city, and all that portion of said city lying between the center line of Water street on the north, Beaver Dam lake on the west, Grove street on the south and said main track of the Chicago, Saint Paul, Minneapolis and Omaha railway on the east, shall constitute the Second ward; all that portion of said city lying north of the center line of Water street extended east and west to the eastern and western boundaries of said city shall constitute the Third ward; and all that portion of said city lying between said line of Elm street on the south, said main track of the Chicago, St. Paul, Minneapolis & Omaha railway on the east, the center line of Grove street on the north and Beaver Dam lake on the west, and all that portion of said city lying west of Beaver Dam lake and between the said line of Elm street extended west to the western boundary of said city on the south, and the center line of Water street extended west to the western boundary of said city on the north, shall constitute the Fourth ward of said city.

Ward boundaries.

First ward.

Second ward.

Third ward.

Fourth ward.

CHAPTER III.

ELECTIONS.

SECTION 1. The annual election of ward and city officers shall be held on the first Tuesday in

Annual muncipal election; city to constitute one voting precinct.

April in each and every year at such place in said city as the common council shall designate and the polls shall be kept open from nine o'clock in the forenoon until sundown. Ten days' previous notice shall be given by the common council of the time and place of holding such election and of the city and ward officers to be elected, but a failure to give the notice of such election as above specified shall not invalidate such election. At all general and city elections the city shall constitute one voting precinct.

General elections.

SECTION 2. All general elections shall be conducted as prescribed by the laws of the state of Wisconsin governing such elections.

City elections; general laws to govern except as herein provided.

SECTION 3. All city elections shall be conducted as prescribed by the general laws of the state of Wisconsin except that at such city elections there shall be four ballot boxes, one for each ward, and on each ballot box shall be plainly printed the number of the ward for which such ballot box is to be used. Any person offering his vote at a city election shall announce the number of the ward in which he shall reside and thereupon his ballot shall be deposited in the ballot box of said ward. When a city election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof stating therein the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the city clerk within three days after such election. The common council shall on the fourth day after such election meet and canvass said return and declare the result as it appears from the said return, and the city clerk shall forthwith give notice to each person elected of his respective election.

Officers, enumeration of; qualifications.

SECTION 4. The elective officers of said city shall be a mayor, a treasurer and an assessor, elected by and for the city at large, and two aldermen, one justice of the peace, and one constable, to be elected by and for each ward; also one supervisor to represent his ward in the board of supervisors of Barron county, to be elected by each ward. The mayor, treasurer and assessor shall be qualified voters in the said city, and the ward officers aforesaid shall be qualified voters in the ward for which they were elected. The

city clerk, attorney, marshal and all other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justice of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own members, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council when complained of for cause until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created, for the time being.

Vacancies, how filled.

SECTION 5. Whenever a vacancy shall occur in the office of mayor or treasurer, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur; and any vacancy happening in any other office shall be filled by the common council; the person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill, except in the cases of justices of the peace and aldermen, whose appointment shall continue only until the next city election, when the vacancy shall be filled for the remainder of the term by an election. If from sickness or other cause the supervisor from any ward shall be unable to attend any meeting of the county board, the common council may appoint some person from such ward to attend such meeting and act as a member of such county board, but such person shall not be permitted to act as a member of the county board until the city clerk shall certify to the county clerk the name of the person so appointed to represent such ward.

Voters, qualifications of.

SECTION 6. All persons who are qualified electors of the state of Wisconsin and who shall have

been actual residents and inhabitants of the ward from which they offer their vote for ten days next preceeding said election shall be entitled to vote for any city or ward officer to be elected, or on any other question that may be submitted to the people for their vote.

Special elections, how held.

SECTION 7. Special elections to fill vancancies or for any other purpose shall be held and conducted and the returns thereof made in the same manner as is hereinbefore prescribed for city elections.

Office deemed vacant, when.

SECTION 8. Any officer removing from the city or any ward officer removing from the ward for which he was elected, or any officer, who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided

Officers to be chosen at first election

SECTION 9. There shall be elected at the city election in April in the year 1891, one alderman for each ward who shall hold his office for two years, and one alderman for the Fourth ward who shall hold his office for one year and thereafter at each annual election one alderman for each ward who shall hold his office for two years. There shall each year also be elected a supervisor for each ward to represent the city in the county board of supervisors who shall hold his office for one year. The aldermen elected from the First, Second and Third wards at the annual election in the year 1890 for the term of two years shall hold their said offices for the remainder of their unexpired terms.

ew election, hen.

SECTION 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place, and naming the offices to be filled, first being given.

CHAPTER IV.

OFFICIAL OATH AND BOND OF CITY OFFICERS.

Oath of office, officers to take before entering upon duties.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, ex-

cept justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk, marshal, constables and such other officers as the common council may direct shall severally, before they enter upon the duties of their respective offices, execute to the city of Cumberland a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond, over and above all debts, exemptions or liabilities; and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Mayor, his powers and duties.

SECTION 2. The mayor shall be present and preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, or apparant necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council by notifying the common council of his objection thereto at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and in case the council shall not within one week after the receipt of such objections or such filing with the clerk so enact such ordinance or pass such resolution by the vote of two-thirds of the aldermen-elect, the same shall be null and void. No ordinance or resolution shall take effect until one

week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of the council; his powers and duties.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their members president, and in the absence of the mayor the said president shall preside over the meeting of the common council, and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The temporary presiding officer, or the president, while presiding over the board, or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them, or any of them, shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds; and the said common council shall also at their first meeting in each year, elect a clerk and marshal for the city who shall hold their respective offices for one year and until others are elected and qualified.

City clerk; his powers and duties.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office and transcripts from the records of the common council certified by him, to have been compared by him with the original and to be a correct transcript therefrom under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns,

and all chattel mortgages and the renewals so filed shall be as valid and legal as if the same had been filed in the town clerk's office in any town; the clerk shall have power and authority to administrate oaths and affirmations.

Justices of the peace; their powers and duties.

SECTION 5. The justices of the peace under this act shall have the same jurisdiction and perform all the duties of the justices of the peace and shall qualify in the same manner as provided by the general laws of the state, except that the official bonds or agreements shall be approved by a majority of the common council, and in addition thereto they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided, and shall hold their offices in their respective wards for which they were elected. All constables elected by virtue of this act shall have and exercise the same powers and duties and be subject to the same liabilities as constables of towns.

Treasurer; his powers and duties.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected, by means of any tax, license, penalty, forfeiture or otherwise under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except upon an order issued by order of the common council and signed by the mayor and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things, coming into his hands as treasurer in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the persons from whom the amounts of the several sums were received, which book shall at reasonable times, be open to the inspection of any person. He shall every three months, and as often as the common council requires, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes,

and for his services receive the same compensation, except as herein otherwise provided, and he shall have the same power and be subject to the same liabilities and be governed by the same laws as treasurers of towns; provided, that he shall receive no other fees except the compensation hereinafter provided.

City marshal; his powers and duties.

SECTION 7. The city marshal shall attend all the meetings of the common council when requested by the mayor, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinances of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties.

Council may require additional duties of officers.

SECTION 8. The common council shall have the power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officers shall re-

main in office, or for which he is elected or appointed.

SECTION 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders; provided, they are reasonable and not higher than the usual price for such printing. Official newspapers.

SECTION 10. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such a publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance, by law or resolution, and the clerk shall file the same in his office. Proof of official publication.

SECTION 11. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars besides all damages caused by his neglect or refusal so to deliver, and such successor may secure possession of such books, papers and effects in the manner provided by the laws of this state. Penalty for refusal to deliver books, etc., to successor.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city, or any of the wards of said city, and any contract in which any alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract the common council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same. Aldermen not to be interested in city contracts.

SECTION 13. The mayor or acting mayor, sheriff of Barron county, and each and every alderman, justice of the peace, marshal, under sheriff nd deputy sheriff of Barron county, constable, Officers of the peace.

policeman and watchman shall be officers of the peace and may command the peace, and suppress, in a summary manner, all rioting and disorderly behavior, within the limits of the city, and for such purposes may command the assistance of all bystanders, and if need be of all citizens, and if any person, bystander or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Municipal judge, jurisdiction of.

SECTION 14. The third municipal judge of Barron county shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace, in which the city is a party, but warrants returnable before said third municipal judge for Barron county may be issued in criminal cases by any justice in the city; but no fee shall be received therefor by said justice. The said third municipal judge shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Cumberland or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for a breach or violation of any by-law, ordinance or regulation of the city of Cumberland, shall be commenced in the name of the city of Cumberland, and the same proceedings shall be had in all criminal and civil suits before said judge when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; provided, that in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or breach of the peace, or any affray not indictable, committed within the city limits, defend-

ant shall have the same right of appeal under the same provisions and requirements as now are or may be provided for taking appeals from justices of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, or in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, said judge shall have power, in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred dollars. The said judge shall have the same power and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or power of the circuit courts or supreme court of this state. All fines and penalties imposed by said judge for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

Municipal judge to report proceedings to council.

SECTION 15. The said judge shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city.

Assessor, his powers and duties.

SECTION 16. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns, and his compensation therefor shall be the same as provided by law for the compensation of town assessors.

City attorney, qualifications of; his powers and duties.

SECTION 17. The city attorney shall be a person duly admitted to practice in the courts of record conformably to the laws of this state. He shall perform all professional services incident to the office, as prescribed by this charter and the ordinances, resolutions and by-laws of said city, and when notified shall appeal and conduct

all prosecutions when the city is a party and in all civil actions when the city is plaintiff, and all defences when the city is a party, and when required shall furnish written opinions to the council or its committees.

CHAPTER V.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common council, how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council and shall not receive any compensation for their services, and the style of all ordinances shall be: "The mayor and common council of the city of Cumberland do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

First annual and stated meetings.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode The common council shall determine the rules and qualifications of its own members, and have the power to compel the attendance af absent members.

Common council; enumeration of general powers.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by laws; and such ordinances, rules and by-laws are hereby declared to

be, and have the force of law; provided, that they be not repugnant to the constitution or laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-law:

Grant licenses.

1. To license, regulate, suppress and prohibit the exhibition of common showman or shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state or at common law. And may grant licenses for, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, malt, or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous, malt or fermented liquors, shall not be less nor more than the amount fixed by the laws of this state or acts hereafter passed.

Supress gambling.

2. To restrain, prohibit and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, vinous, malt or fermented liquors unless duly licensed by the common council.

Prevent riots.

3. To prevent any riots, noises, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Compel cleansing of groceries, etc.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Location of slaughter houses.

5. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder and other combustible material.

6. To prevent the encumbering of the streets,

Prevent encumbering of streets.

sidewalks, lanes or alleys, with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine or hard wood, or any other materials or substance whatever.

Prevent horse racing.

7. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain running at large of cattle.

8. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and all other animals and birds, and to authorize the restraining, impounding and sale of the same for the penalty incurred and the costs of the proceeding.

Prevent running at large of dogs.

9. To prevent the running at large and direct the muzzling of dogs, and to authorize the destruction of the same in a summary manner when at large or unmuzzled, contrary to the ordinance.

Putrid carcasses, etc.

10. To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person or persons who shall have upon his premises any such substance, putrid or unsound beef, or fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

Establish ponds, pumps, etc.

11. To make and establish public pounds, pumps, wells, cisterns and reservoirs and to provide for the erection of water works for the supplying of water to the inhabitants; to erect lamps and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Establish boards of health.

12. To establish and regulate boards of health, provide hospitals, pest houses and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Regulate weight of bread.

13. To regulate the size and weight of bread,

and to provide for the seizure and forfeiture of bread baked contrary thereto.

14. To prevent all persons riding or driving any ox, mule, horse, cattle or other animal on the sidewalks in said city, or in any way doing damage to such sidewalks. Prevent injury to sidewalks.

15. To prevent the shooting of fire-arms or fire-crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any inhabitant thereof. Prevent shooting of firearms.

16. To restrain drunkenness or obscenity in the streets or public places in said city and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness.

17. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of the city. Regulate runners and solicitors.

18. To establish public markets, and make rules for the government of the same; to appoint suitable officers for overseeing and regulating such markets and to restrain all persons from interrupting and interfering with the due observance of such rules and regulations. Establish public markets.

19. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions. Regulate butchers' stalls.

20. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same. Regulate weighing and measuring.

21. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owners or occupants. Compel removal of ice, etc., from walks.

22. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such provisions for the Regulate infectious diseases.

disposition of such persons as to preserve the health of the city.

License auctions.

23. To regulate the time, place and manner of holding public auctions or vendues and to license the same.

Appoint watchmen.

24. To appoint watchmen and prescribe their duties.

Provide standard of weights, etc.

25. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Protect trees.

26. To protect trees and monuments in said city.

Sewers.

27. To prescribe and regulate the construction of sewers within said city.

Lay out streets.

28. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Alter name of street.

29. To alter or change the name of any street in said city.

Ordain and repeal ordinances.

30. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Regulate breweries.

31. To direct the location and regulate and license breweries, tanneries and packing houses.

License peddlers.

32. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so called Cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so called Cheap Johns and transient dealers and persons who travel from place to place to sell goods, or merchandise within the limits of said city, and when licensed, to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called Cheap John, transient dealer or person who travels from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and green-house products, without having first obtained a license therefor according

to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision, or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the licensee therein named, or the holder thereof, to make any of the sales herein inhibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

Ordinances, how passed.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, by-laws or regulations shall be recorded, the publication thereof, respectively, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Power to abate nuisances not a bar to prosecution.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal

of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, malt or fermented liquors are sold without license as required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Accounts of officers to be audited before expiration of term.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal and all other officers or agents of the city, at such times as they may deem proper, and also at the end of each year and before the time for which the officers of the said city are elected or appointed, shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Corporate authority, how vested.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as may be created under this act.

CHAPTER VI.

CITY FUNDS AND ORDERS.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council; and shall be drawn out upon the orders of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer. Management of finances.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city, a tax sufficient for that purpose. Annual tax levy.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidence of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law and duly authorized by a majority vote of the electors of the city, nor shall the common council issue in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it becomes necessary to build or repair bridges a special tax may be levied for such purpose, not exceeding five hundred dollars in any one year, and the said tax when so levied shall be collected at the same time as other city taxes are collected. Bonds and indebtedness, how authorized.

SECTION 4. Taxes may be levied by the common council at any regular meeting for the purpose of paying outstanding indebtedness of the village of Cumberland and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with Same, tax levy for, how.

the provisions of this act or by authority of law. Said taxes when so levied shall be collected at the same time other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof or some person in his behalf.

Appeal upon disallowance of claim.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Barron by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision and executing a bond to said city with sufficient surety to be approved by said clerk, the county judge or a court commissioner, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court.

Duty of clerk upon appeal.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council with their decision thereon and shall file the same together with the bond and all papers in the case in his possession with the clerk of the circuit court for the county of Barron; and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by said common council, exclusive of interest, upon such allowance, the appellant shall pay the costs of appeal which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Appellant to pay costs, when.

Claim first to be presented to council before action can be maintained.

SECTION 8. No action shall hereafter be maintained by any person against the city of Cumberland upon any claim or demand other than a city

bond or order, unless such person shall first have presented his claim to the common council of said city.

SECTION 9. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim unless an appeal shall be taken from the decision and determination of such council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

Determination of council a bar to action, when.

CHAPTER VII.

POWERS OF THE COMMON COUNCIL AS TO STREETS, ETC.

SECTION 1. The common council of the city of Cumberland shall have power to lay out and open, change, widen or extend, any street, lane, alley, public ground, square or other place, or to construct or open, alter, enlarge or extend any drain, canal or sewer, or alter, widen or straighten any watercourse within said city in the manner provided by the general laws of the state of Wisconsin in sections 895 to 904 of the revised statutes, inclusive.

Council to lay out or change streets, etc.

SECTION 2 The common council shall have power to hire a competent engineer or surveyor whenever it shall be deemed necessary. All surveys, profiles, plans or estimates made by him for the city shall be the property of said city and shall be carefully preserved in the office of the city clerk, open to the inspection of parties interested at all reasonable hours.

City engineer.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

Assessing, levying and collection of taxes.

SECTION 1. All property, real or personal within the city, except as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are, or may be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Assessor to give notice of completion of assessment roll.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessors shall make such alteration or reduction as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Return of assessment roll.

SECTION 3. Within one week after the time limited for the hearing of such objections the assessor shall return the assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from, and otherwise revise and correct the same

Omitted lands may be assessed for tax of previous years.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been so omitted, the just value thereof, noting

the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargable with, had not the same beem so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted in whosesoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relevied in such manner as they shall, by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract and shall be collected as other taxes and assessments are collected under this act.

Board of equalization, how constituted; powers and duties.

SECTION 5. The mayor, city clerk, city treasurer and the assessor shall constitute the city board of equalization, and shall meet on the first Monday of July each and every year at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed so far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization and the city clerk the clerk thereof.

Levy of taxes upon filing of assessment roll.

SECTION 6. When the assessment roll shall have been revised and corrected the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purpose for which the same are levied.

Changes in assessment roll.

SECTION 7. All changes of assessment roll by the board of equalization shall be duly recorded by the city clerk.

Taxes a lien until paid.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the delivery of the warrant for the collection thereof until such taxes shall be paid.

Tax roll, clerk to make out, how.

SECTION 9. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment roll and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, adding thereto five *per cent.* for the expense of collection in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums, set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Delivery of tax roll to treasurer, when.

SECTION 10. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed and deliver the same to the treasurer on or before the second Monday in December in each year.

Clerk to give warrant with tax roll.

SECTION 11. To each assessment roll so delivered, a warrant under the hand of the city clerk and the corporate seal of said city shall be annexed substantially in the following form:

Form of warrant.

The State of Wisconsin — To the city treasurer of the city of Cumberland, in the county of Barron:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described, and in case any person or corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the money so to be collected, after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday in January next the sum of ..... for state taxes and the further sum of ..... for county

taxes, and the balance of said money you are required to retain and pay out according to law, and in case said taxes and assessments shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Barron.

Given under my hand and the corporate seal of the city this ..... day of ....., 18..

....., City Clerk.

Tax roll to be prima facie evidence.

SECTION 12. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws to be in force, except as otherwise provided in act.

SECTION 13. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

Treasurer to give notice of the collection of taxes.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer he shall give public notice in a newspaper published in said city, that such tax list, describing for what purpose such taxes are levied, has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Treasurer's fees; record of to be kept.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two *per cent* on all taxes collected by or paid to him prior to the 10th day of January in each year, and five *per cent.* upon all taxes or assessments paid to or collected by him after said 10th day of January, and in case of a distress or sale made by him, of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution. The city treasurer shall

collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make a report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

Treasurer to settle with county treasurer, when.

SECTION 16. The treasurer shall, on or before the third Monday in January in each year, pay to the county treasurer, the state tax assessed upon the lots and tracts of land and personal property of said city.

Directions herein only directory.

SECTION 17. All the directions hereby given for the assessing of lands and the collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise effect the validity of the tax or assessment.

Informality not to vitiate tax.

SECTION 18. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter 49, of the revised statutes, of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter 49, and any act that may be hereafter passed amendatory to said chapter or in addition thereto.

CHAPTER IX.

FIRE DEPARTMENT.

Fire limits, etc.

SECTION 1. The common council. for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits with-

in which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Powers to secure safety from fire.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and to prevent the carrying on of manufactories dangerous in causing or promoting fires; to regulate and prevent the use of fireworks and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient and to provide penalties for the violation of any resolution or ordinance passed under this section.

Fire-engines and apparatus, purchase of. Organization of fire companies.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be

prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers except chief engineer and assistant engineer, who shall be appointed by the council and form its own by laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries, during the continuance of such membership, and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax and jury duty.

Fire wardens.

SECTION 4. The mayor shall appoint two fire wardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

One-half of penalties to be paid to fire department.

SECTION 5. One-half of the net proceeds of all fines and penalties collected and recovered for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Penalty for refusal to obey officer at fire.

SECTION 6. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officer, or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe not exceeding twenty dollars.

Sack companies, members of to have police powers.

SECTION 7. The common council shall have the power to organize a sack company or to countenance any such company now organized, which shall be known by such name as they may select,

and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for said city of Cumberland, and are hereby vested with all the power and authority which is now or may hereafter be vested in any other police officer of said city; and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they deem necessary, not inconsistent with the laws of this state, or the ordinances of said city. The members shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer of fire department to give bond.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required and with sureties to be approved by the common council. Such money shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Officers of fire companies; duties.

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire companies.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter and such record shall consist of the returns made by the several clerks or secretaries, as above provided, and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof and shall return to the clerk of the board of supervisors of the county of Barron, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of said board; and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to be brought in corporate name of city.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations, made in pursuance thereof shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law, or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Prosecutions for violations of ordinances, etc.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before a justice of the peace under the general statutes of the state for the time being.

Prosecution by summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

Form of summons.

County of Barron, }
City of Cumberland, } ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the

city of Cumberland: You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, Third Municipal Judge in and for said county, at my office in said city, on the .... day of ....., 18.., at .... o'clock in the ....noon, to answer to the city of Cumberland in a plea of debt to the damage of said city, five hundred dollars or under.

Given under my hand at the said city, this .... day of ...., 18...

....,
Third Municipal Judge.

Return of summons.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons, and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being relative to actions commenced by summons, and triable before justices of the peace.

Prosecution by complaint.

SECTION 5. When an action is commenced by summons, the complaint may be substantially in the following form:

Form of complaint.

The City of Cumberland,
against
A. B.
In Third Municipal Court,
Before .....
Third Municipal Judge.

The plaintiff complains against the defendant, for that the defendant on the .... day of ....,18.. at the said city, did violate section .. of chapter .. of this act, or section .... of an ordinance or by-law, or regulation of said city, (describing it by its title,) which said . .. is now in force. By reason of such violation, an action hath accrued in the city of Cumberland to recover of the defendant the sum of .... dollars debt; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

Complaint upon oath for warrant.

SECTION 6. In all cases where oath is made for a warrant for the con plaint it shall be made on the oath of the complainant and no other affidavit shall be necessary, which last mentioned com-

plaint may be substantially in the following form:

Form of complaint.

State of Wisconsin, in Third Municipal Court, Barron County, Before ..... Third Municipal Judge.

The City of Cumberland,
Against
A. B

State of Wisconsin,
Barron County. } ss.

..... being duly sworn complains on oath, that A. B, on the ..... day of ..... A. D. 18.... at said city, did violate section ..... of chapter ..... of this act, or section ..... of an ordinance, by-law or regulation of said city (describing it by its title,) in that he did then and there, contrary to said chapter, ordinance, by-law or regulation (here insert the act or omission complained of,) which said .... is now in force, as this complainant verily believes, and prays that the said A. B., may be arrested and held to answer to said city of Cumberland therefor.

Subscribed and sworn to before me this....day of ..... A. D., 18....

.....

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the judge, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Barron,
City of Cumberland. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Cumberland greeting:

Whereas, ... has this day complained to me in writing on oath, that A. B on the .... day of ...., 18.., at said city, did violate section .... of chapter .... of this act or section .... of an ordinance, or by-law, or regulation of said city (describing it by its title), which said .... is now in full force as the complainant believes; therefore you are commanded to arrest the body of said A. B. and bring him before me forthwith to answer

to the city of Cumberland on the complaint aforesaid

Dated this ..... day of ....., 18..

C. D., Third Municipal Judge.

Proceedings upon return of warrant.

Upon the return of the warrant the judge may proceed summarily with the case unless it be adjourned by consent or for cause. If the case be adjourned the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his or her, or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Barron county. The complaint made as aforesaid, shall be the only complaint required, and the plea of not guilty shall put in issue all subject matters embraced in the action.

Printed copy of ordinance to be prima facie evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation, passed by the common council and published in a newspaper, or in a pamphlet, or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court of this state.

Witness and juror fees not required to be paid in advance.

SECTION 8. Witnesses and jurors shall attend in all criminal suits, without the payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court; penalty and costs.

SECTION 9. In city prosecutions the findings of the court shall be, "guilty," or. "not guilty." If guilty, the court shall render judgment thereon against the defendant for the time, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city; upon the rendition of judgment against the defendant, and the non-payment thereof, the judge shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which

shall in no case exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Form of execution.

County of Barron, } ss.
City of Cumberland. }

The state of Wisconsin, to the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Cumberland, on the ..... day of ....., 18..., recovered a judgment before the undersigned, third municipal judge in and for Barron county, against .... for the sum of .... dollars and .... cents (fine, penalty or forfeiture, as the case may be), and costs of suit, for the violation of section ...., of chapter ..... of this act, or section ..... of an ordinance, or by-law, or regulation of said city (describing it by its title); you are hereby commanded to levy distress on the goods and chattels of said ...., excepting such as the law exempts, and make sale thereof according to law to the amount of said sum, together with your fees and twenty five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said .... and him convey and deliver to the keeper of the common jail in Barron county, and the said keeper is hereby commanded to receive and keep in custody in said jail the said .... for the term of ..., unless the said judgment, together with all the costs and fees, are sooner paid or he be discharged by due course of law.

Given under my hand, this ..... day of ....., 18....

C. D, Third Municipal Judge

The form of commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Appeal from judgment for recovery of fines.

SECTION 10. In all cases when judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Barron; provided, such defendant within twenty-four hours enters into a recognizance with one or more

sufficient sureties, to be approved by such judge, condition to appear before said court and abide the judgment of the court therein. The judge from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him and shall forthwith cause the summons or warrant and return together with the proceedings, and a copy of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to stand for trial without notice.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day the judgment of the judge shall be rendered, and no notice shall be required to be given to or by either party.

Judgment on appeal.

SECTION 12. If the judgment of the judge shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them, and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Residence not to work incompetency of judge, etc.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party.

Actions, rights, etc., vested in corporation.

SECTION 14. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein shall be vested in and prosecuted by the corporation hereby created.

Action against city, how brought.

SECTION 15. When any suit or action shall be commenced against said city, the service thereof may be made by serving a copy of the process or summons on the mayor, or clerk of said city, and it shall be the duty of the mayor or clerk so served, forthwith, to inform the common council thereof or to take such action or proceedings as by ordinance or resolution of said council may be in such case provided.

Disposition of penalties and forfeitures.

SECTION 16. All penalties and forfeitures, recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 8 of this act.

Fire-engines, apparatus, etc., to be exempt from execution.

SECTION 17. All fire-engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and all other aparatus implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Property of citizens exempt from city execution.

SECTION 18. No real or personal property of any inhabitant of said city or or any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Mayor may grant pardons.

SECTION 19. The mayor shall have power to grant pardons or commutations after conviction for all offenses against the ordinances of the city upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting with the reason therefor.

CHAPTER XI.

CITY IMPROVEMENTS.

Power to contract for street improvements.

SECTION 1. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks in the manner hereinafter mentioned, and direct and control the persons employed therein.

Improvements chargeable to general fund.

SECTION 2. The cost and expense of surveying or repairing streets, alleys, sidewalks, drains and sewers, and of estimating work thereon, in the execution of any public improvement, shall be charged to and payable by the city. The cost and expense of opening, grading, gravelling, paving, macadamizing or planking streets and alleys, and constructing or repairing sidewalks, shall be pay-

able out of the general funds of the city. Sewers, crosswalks and drains may be ordered by the council, and all costs and expenses, as well as the damages which shall be sustained by owners of lands through which the same shall pass, shall be charged to and payable by the city.

Council to determine manner of making street improvements. Contracts.

SECTION 3. Whenever the council shall require any street to be graded, paved or macadamized, it shall determine the manner in which the work shall be done, and of what material; and the street commissioner, or such other person or officer as the council may designate to have charge of the work, shall let a contract for doing the whole of such work. Public notice for the letting of such contract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder, whose bid it shall deem most reasonable and proper; the cost of such grading, paving or macadamizing shall be paid by the city, out of the general funds of the city.

Work to be done under supervision of street commissioner, when.

SECTION 4. In case no bids shall be received for the performance of any work required to be done by this act, the council may cause such work to be done under the supervision of the street commissioner, or a committee of the council, and the expense for doing the same shall be paid for by the city out of the general funds of the city.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Contracts to be let in discretion of council.

SECTION 1. All work for the city or either ward, including all printing and publishing, may, in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contract.

Act to govern appropriations.

SECTION 2. No money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Penalties and judgments, how remitted.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

Survey and plats.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Barron.

Surveys and landmarks to be prima facie evidence.

SECTION 5. The surveys and landmarks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Establishment of grades; profiles to be filed.

SECTION 6. The common council may, at such times as they may deem proper, establish the grade of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Barron county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade.

Real and personal estate, city may purchase and hold.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

Exempted property subject to special taxation.

SECTION 8. Real estate exempt from taxation by the laws of this state, shall be subject to special taxation as other real estate under this act.

Deeding or leasing real estate.

SECTION 9. When the city of Cumberland deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Cumberland, and the person or persons authorized to execute such deed of lease need not be named in the body thereof.

Mayor and clerk to execute deeds and leases, when.

SECTION 10. The mayor of said city is hereby authorized when the common council shall by or-

dinance or resolution for that purpose describe the real estate and interest to be conveyed under, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk and sealed with the corporate seal of said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Copy of ordinance, etc., to be attached to deed or lease.

SECTION 11. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease, a true copy by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease, and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Failure to hold election or to organize council not to arrest or absolve corporation.

SECTION 12. If any election by the people for members of the common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be held at any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any time specified, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

General laws not to interfere.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same unless such purpose be expressly set forth in such law as an amendment to this charter.

Appropriation for highways.

SECTION 14. The common council shall have power to appropriate a sum not exceeding three hundred dollars in any one year for the improvement of roads leading into the city or for any other public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen-elect.

Poll tax, who to pay; collection. May be paid or worked out.

SECTION 15. Every male inhabitant in the city of Cumberland, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempted by the general laws of this state, shall pay into the city treasury annually one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Cumberland, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Cumberland, and said assessor shall on the last Monday of April of each year, deliver one of said lists to the city clerk and one to the treasurer of said city of Cumberland. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice, left at their usual place of abode, on or before the first day of June of each year, shall be liable to, and shall pay a penalty of two dollars in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Cumberland. The process in each case shall be by warrant as provided for in chapter 10, of this act, entitled, "Actions to Recover Penalties, etc,." and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for shall be paid into the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said list shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said taxes as he does for collecting taxes assessed upon real and personal property; provided, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city, and the certificate of the street committee that such person has performed one full day's labor shall be received by the treasurer of said city in full discharge of such tax.

SECTION 16. In all cases where an action might be brought by the city of Cumberland against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any elector of said city. Electors may prosecute in the name of the city.

SECTION 17. The common council shall have power to require the owner of any lot or grounds, in said city, to set out ornamental trees in the street or streets, fronting on the same, and in default thereof to cause the same to be done and to levy a special tax upon a lot or grounds to pay the expenses of the same. Ornamental trees.

SECTION 18. This act shall not invalidate any legal act done by the common council of the city of Cumberland or by its officers, nor divest their successors under this act of any rights of property or otherwise, or any liability which may have accrued to or against said corporation prior to the passage of this act, and all ordinances, rules and regulations now in force in said city, not contravening the provisions of this act, shall be and remain in force until altered or repealed by the common council. The present officers of said city of Cumberland shall hold their respective offices until the officers specified in this act shall have been elected and qualified. Act not to invalidate previous acts of council, etc.

SECTION 19. The city of Cumberland may, in accordance with the provisions of chapter 41 of the revised statutes of this state, borrow money in a sum not exceeding ten thousand dollars, and issue its negotiable corporate bonds therefor, for the purpose of aiding in the establishment of manufacturing industries within said city; provided, that no bonds shall be issued by said city until the proposition for their issue, setting forth the special purpose thereof, and the conditions of granting such aid, shall have been published for six successive weeks in the official paper of said city, and shall have been thereafter submitted to a vote of the people of said city, and adopted by a majority voting thereon. Borrow money and issue bonds, how.

SECTION 20. The said city of Cumberland shall maintain and support the poor and indigent persons within the city limits, and the laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall make such rules, regulations, or- Support of poor.

dinances and provisions in relation to the same as they shall deem proper.

Public act.

SECTION 21. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealed. Repeal not to invalidate contracts.

SECTION 22. All acts or parts of acts inconsistent and conflicting with the provisions of this act, together with the act of which this is amendatory, are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under, or by virtue or in pursuance, of the said act, or any former act incorporating the village of Cumberland, or any of them; but the same shall exist and be enforced and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 23. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1891.

No. 52, S.] [Published April 7, 1891.

CHAPTER 100.

AN ACT to legalize the revised ordinances of the city of Black River Falls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Revised ordinances legalized.

SECTION 1. The revised ordinances of the city of Black River Falls, in this state, are hereby legalized and declared as valid, to all intents and purposes, as though they had been published within the time and recorded within the time, with the affidavits of publication, as provided by the charter of said city; and the pasting of printed copies of such ordinances upon the leaves of the record book of said ordinances is hereby deemed

and declared a due and lawful recording of said ordinances.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1891.

No. 208, S.] [Published April 4, 1891.

CHAPTER 103.

AN ACT to amend chapter 27, laws of 1889, entitled, "An act to revise consolidate and amend chapter 127, laws of 1887," entitled, "An act to incorporate the city of Ashland."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 2 of chapter 127, of the laws of 1887, is hereby amended so as to read as follows: Section 2. The city is hereby divided into six wards, as follows: Beginning at the center line of Ellis avenue, all that part of the territory of said city west of said center line of Ellis avenue and east of the center line of Vaughn avenue shall constitute and be the Third ward; all that part of the territory west of said center line of Vaughn avenue and east of the center line of Ninth avenue west, shall constitute and be the Second ward; all that part of the territory of said city west of said center line of Ninth avenue west, shall constitute and be the First ward; all that part of the territory of said city east of said center line of Ellis avenue and west of the center line of Willis avenue shall constitute and be the Fourth ward; all that part of the territory of said city east of said center line of Willis avenue, and west of the center line of Fourteenth avenue east, shall constitute and be the Fifth ward; all that part of the territory of said city east of said center line of Fourteenth avenue east, shall constitute and be the Sixth ward. Boundary lines of said wards described aforesaid, as the center lines of the avenues aforesaid, are

Amends chapter 127, laws of 1887. Ward boundaries.

Third ward.

Second ward.

First ward.

Fourth ward.

Fifth ward.

Sixth ward.

hereby construed to be the center lines of each of said avenues extending in a direct line from the most northerly limit of said city to the southern boundary line thereof, whether said avenues are opened and existing from the north boundary line to the south boundary line or not.

Clerk to prepare a book of plats for each ward.

It shall be the duty of the clerk to prepare a book for use at the election in each ward in which shall be entered in orderly and convenient form, the lots and subdivisions of land in the ward. The description shall be platted when the territory has been platted, otherwise by government description. The common council may require also that all lots and parcels of land be designated as occupied or vacant as the case may be. The books so prepared shall be delivered to the inspectors of election for the respective wards before the polls are opened, and be returned by them, with the other returns as hereinafter provided.

Amends chapter 127, laws of 1887. Incumbering of streets prohibited.

SECTION 2. Subdivision 12, of section 4, of chapter 6, is hereby amended so as to read as follows: 12. To prohibit the obstruction and incumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wagons, sleighs, sleds, wheelbarrows, cars, locomotives, railroad tracks, boxes, lumber, firewood, timber, posts, signs, awnings or any substances or material or in any manner whatsoever, and to cause the removal of the same and assess and fix the cost and damages thereof and to levy taxes upon the property on which the same is located or abutting, for such costs and damages for such removal or the abatement of the same, and may impose penalties upon any person or corporation causing such obstruction or incumbrance. Subdivision 51, of said section, is hereby amended to read as follows: 51 To regulate and prohibit the use of locomotive engines and railroad cars within the city, and direct and control the location and laying of railroad tracks in, upon or across any street or alley of said city, and to require railroad companies to construct and maintain at their own expense, such bridges, subways, viaducts, gates, tunnels or other conveniences at public railroad crossings as the common council may deem necessary, and in such manner as said common council shall direct,

Amends chapter 127, laws of 1887. Power to regulate use of locomotive engines within city; location of tracks; construction of bridges, viaducts, etc.

and to require said railroad companies to pay all damages which may be awarded by reason of the construction of such bridges, subways, viaducts, gates, tunnels or other conveniences; to levy taxes upon the property of railroad companies situate or being in said city, to pay the expense, costs and damages for the construction and maintenance of any of the aforesaid structures and conveniences, and all damages to any property of any person which shall be assessed by reason of the construction of said structures and conveniences; and also to regulate the running of street railway cars, the laying down of tracks for the same, the transportation of passengers thereon, and the kind of rail and power to be used. To provide by ordinance or contract for the construction, operation and maintenance of street railways in said city.

Amends chapter 127, laws of 1887. Public works to be let to lowest bidder; notice of letting contract how given.

SECTION 3. Section 11, of chapter 10, is hereby amended so as to read as follows: Section 11. All public works may be let by contract to the lowest responsible bidder. When the work is directed to be let to the lowest responsible bidder, the board of public works shall advertise for proposals by publishing a notice in the official newspaper of the city, at least once a week for at least three successive weeks before such proposals are advertised. A profile of the work to be done, together with the specifications, shall be placed on file with the city engineer for the inspection of bidders; and a form of the contract with sureties, as the same will be required to be executed by bidders, shall be prepared, and a copy of the same may be furnished to any person desiring to bid on the work. No bids shall be received when not accompanied by a bond with sureties executed on the part of the bidders, which securities shall justify as to their responsibility, and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract, in property, situated in the state of Wisconsin, not by law exempt from execution.

Amends chapter 127, laws of 1887. Board of public works may reject bids, when.

SECTION 4. Said chapter 10 is hereby amended by adding thereto the following section, which shall be known as section 16 of said chapter: Section 16. The board of public works shall have power to reject any and all bids made for any

public work, if they shall deem such bids too high or made by irresponsible bidders, and they may re-advertise for further bids, or they may proceed to do such work or cause the same to be done under the supervision and direction of the city engineer, and the assessments upon abutting property shall be made for the cost thereof, the same as if the work was let by contract; provided however, that in case such work shall cost more than the lowest bid made by a responsible bidder, the abutting property owner shall in no case be assessed for more than the amount which would be assessable to such owner if said board of public works had accepted the lowest bid of such responsible bidder. This section shall apply in all cases of any public work, which the board of public works or the city engineer shall be required to do under the provisions of the city charter, or by the common council.

Amends chapter 127, laws of 1887.

SECTION 5. Chapter 14 is hereby amended by adding thereto the following section, which shall be known as section 14, of said chapter 10: Section 14. The common council shall have authority to fund all of the bonds heretofore issued for any purpose by the city of Ashland, into one series, which shall be known and designated as "The Funded Bonds" of said city, payable in not less than five years nor more than twenty years, bearing a rate of interest not to exceed five *per cent. per annum*, payable semi-annually, on the first days of January and July in each year. A sufficient portion of the moneys received from licenses of all kinds to pay the interest upon all of said funded bonds for the ensuing year and four *per cent.* of the principal of said bonds, shall be set aside for that purpose and placed with the depositary now holding the sinking fund on or before the first day of June in each year. It shall be the duty of the mayor to demand of the city treasurer that said interest and sinking fund be placed with said depositary as required by this section on or before the said date, and it shall be the duty of the treasurer to promptly comply with such demands. A report thereof shall be made by the mayor to the common council at the first meeting after June first, each year. The sinking fund now held by the depositary of the same, and all moneys hereinafter

Council may fund all bonds heretofore issued into one series; funded bonds, term of and interest.

added to said sinking fund, shall be held by said depositary for the redemption of said funded bonds and shall be used for that purpose at any time that any of said bonds can be purchased at par and accrued interest, and for no other purpose. The said depositary shall pay interest on all of the moneys deposited under this section, at the rate of four *per cent. per annum*, semi annually, which shall be added to the sinking fund, and shall give bonds to be approved by the mayor and common council for the safe keeping of said moneys, the payment of said interest and the proper and lawful disposition of the same. New bonds shall be required at any time whenever in the opinion of the mayor and common council, they shall be deemed necessary for the safe keeping of said moneys. It shall be the duty of said depositary to pay the interest when paid over as required by this section, on said funded bonds, on the first days of July and January, each year, until they are redeemed, and on all said interest money which shall be held by said depositary, for the period of sixty days or more, interest shall be paid by said depositary at the rate of four *per cent. per annum*, and the same be added to the sinking fund, The said depositary shall report to the mayor and common council on the first days of July and January, each year, the amount of money so held by him applicable to the sinking fund and interest.

Depositary to pay interest, when.

SECTION 6. Section 1, of chapter 15 is hereby amended to read as follows: Section 1. All property in the city subject to taxation under the laws in this state shall be subject to taxation for all purposes authorized by this act, but the total of the taxes for all purposes, except the special taxes levied upon property abutting upon and for public improvements, shall never exceed two *per centum* of the valuation of any property in said city.

Amends chapter 127, laws of 1887.

Taxation for general purposes not to exceed two per cent. of valuation.

SECTION 7. Section 12 of chapter 15 is hereby amended so as to read as follows: Section 12. On receipt of said tax roll, the treasurer shall give one week's notice thereof in the official paper, which notice shall specify that the taxes must be paid before the tenth day of January following, and that a failure to pay such taxes on or before

Amends chapter 127, laws of 1887.

Notice of collection of taxes.

that day, two *per cent.* thereof will be added thereto and collected as a part of said taxes, and on all taxes unpaid January 10, it shall be the duty of the city treasurer to add thereto two *per cent.* thereof. The common council may extend the time for the collection of all taxes remaining unpaid on January 10, until March 15, ensuing, but such extension shall not relieve any persons from paying the additional two *per cent.* required to be added to taxes unpaid on January 10.

Amends chapter 127, laws of 1887.

Treasurer to direct sheriff or chief of police to enforce collection of taxes, when.

SECTION 8. Section 13, of said chapter 15, is hereby amended so as to read as follows: Section 13. On the expiration of the time specified, the treasurer shall proceed to enforce collection of said taxes in the manner provided by law; provided, however, that the treasurer shall issue his warrant directed to the sheriff of the county, or the chief of police of the city, requiring him within the time specified in such warrant, to collect the taxes on all personal property as shall remain unpaid on the 10th day of January, as prescribed in the preceding section. And the sheriff or chief of police receiving such warrant shall possess all the power given by law to town treasurers for collection of such taxes, and be subject to the liabilities of town treasurers, and entitled to receive as fees for such collection two *per cent.* of said taxes which shall be added to the same and collected of the owners of such personal property, together with necessary costs and disbursements required in collecting the same.

Amends chapter 127, laws of 1887.

Board of public works may reject bids.

SECTION 9. Section 16, of chapter 17, is hereby amended so as to read as follows: Section 16. The board of public works shall have power to reject any and all bids, otherwise the contract shall be let or the work performed as prescribed in the chapter entitled, "Board of Public Works," as amended by this act.

Amends chapter 127, laws of 1887.

Council to authorize laying of railway tracks.

SECTION 10. Chapter 17 is hereby amended by adding thereto the following section, which shall be known as section 30: Section 30. It shall be unlawful for any railroad company or others to lay any railroad track over, upon or across any street, alley or public grounds of the city, without being authorized by an ordinance duly passed by the common council.

Amends chapter 127, laws of 1887.

SECTION 11. The said chapter 17 is hereby further amended by adding thereto the following

section, which, shall be known as section 31: Section 31. Whenever the common council shall direct that any bridge, subway, viaduct, gate, tunnel or other convenience authorized by subdivision 51, of section 4, chapter 6, as amended by this act, be constructed, it shall be the duty of the city engineer to prepare plans and specifications of the same and submit them to the common council within the time directed by it for approval, and when the common council shall approve such plans, it shall be the duty of the city clerk to forthwith furnish some agent of the railroad company or companies, whose use of the street where such improvements, in the opinion of the common council, is needed, with a copy of the ordinance or resolution directing such improvement to be made, with a copy of the plans and specifications thereof and of the resolution approving the same. If the said railroad company or companies fail to commence the construction of such bridge, subway, viaduct, gate, tunnel or other convenience described in the ordinance or resolution within sixty days after receiving a copy of the same and of the plans, or fail to carry forward the construction of the same with reasonable diligence, shall forfeit and pay to the city one hundred dollars per day, for each and every day so failing to proceed with and to carry forward with reasonable diligence the said improvements, and the common council may direct the board of public works to proceed with the erection or construction of the same. Upon being so directed the board of public works shall immediately proceed with the construction of the same in all respects as required by chapter 10, of the city charter, entitled, "Board of Public Works," as amended by this act. The said board shall assess to the railroad company or companies the cost of damage thereof, *pro rata*, in proportion to the ownership of such companies of the land abutting thereon and as shall be just and equitable in their opinion. The damage to any other property than that owned by the railroad companies, on account of the construction of such bridge, subway, viaduct, gate, tunnel or other convenience shall be ascertained and awarded in the same manner as damages and benefits are determined for any improvement to streets as prescribed in the city charter and charged and as-

Council may order railway company to construct bridge, viaduct, etc.; how to proceed; penalty upon default; city may construct, when.

sessed to the railroad companies respectively, and the property of each, *pro rata*, as aforesaid. Whenever the costs and damages shall be ascertained by the board of public works, for such bridge, subway, viaduct, gate, tunnel, or other convenience, and the same charged *pro rata*, as aforesaid, the said board shall demand of the companies the amount chargeable to each respectively, and forthwith make a full report to the common council. And if said company or companies shall refuse, neglect or fail to pay said amount within thirty days, the said city of Ashland shall be entitled to levy a special tax upon any of the property, situated or being in said city, of the railroad company chargeable by this act, for the cost of the improvement aforesaid. The said special tax may be collected in the same manner as personal taxes may be collected by the provisions of this act.

Amends chapter 127, of laws 1887.

Assessment for sewerage purposes, how based; deduction for corner lots, when.

SECTION 12. Section 9, of chapter 19; is hereby amended so as to read as follows: Section 9. After any contract for work, under this act, to be paid for in whole or in part, by such assessment, shall have been entered into, or the work shall have been otherwise performed, the board of public works shall make or cause to be made, an assessment against all lots, parts of lots and parcels of land, fronting or abutting on the work so contracted to be done or performed on each side of the same for its whole length, and which has not been so assessed for sewerage purposes, and such assessment against such abutting property shall be based upon the cost of an eight inch sewer, and the laying thereof; provided that corner lots not subdivided in ownership, and subdivisions of corner lots constituting the actual corner, shall be entitled to a deduction from such assessment of one-third of the cost of the sewer aforesaid, whenever it shall be laid along two sides of said lot or along the longest side or street line thereof, if such longest side or street line shall be one hundred feet or over. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided and the subdivisons thereof are owned by different persons, no subdivision of such lots not fronting or abuttiug on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall

be assessed for the cost of such sewer; and no corner lot shall be assessed for the cost of any sewer in any alley, when such lot has already been assessed for a sewer on two sides thereof.

Amends chapter 127, laws of 1887.

Work to be subject to superintendence of board of public works; approval.

SECTION 13. Section 15, of chapter 19, is hereby amended so as to read as follows: Section 15. In all cases the work shall be subject to the superintendence and direction of the board of public works, and no contractor shall be entitled to recover compensation for any work executed by him in any form of action, unless such work shall have been approved by the said board; provided, that the said board, may from time to time, as the work progresses, at their discretion, grant to any contractor for a sewer, an estimate of a proportionate value of that portion of the work to be paid for by the city, of the work then done, withholding in all cases ten *per cent.* of said estimate which shall entitle the holder to receive the amount thereof, less ten *per cent.* from the proper fund.

Amends chapter 127, laws of 1887.

Water and gas service pipes, etc., to be laid previous to paving or repairing of streets; notice for, how given.

SECTION 14. Section 16, of said chapter 19, is hereby amended to read as follows: Section 16. Whenever the common council shall order the paving or re-paving of any street in the city in which water, gas mains and sewers, or either of them shall have been previously laid and constructed, they may also by resolution, require the board of public works to cause water and gas service pipes and house drains to be first laid in such street, at the cost of the property fronting on such street, from the main sewer, water and gas main in such street to the curb line on either side of the street at intervals not less than twenty-five feet along the whole length of such paved street, except at street and alley crossings, and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official paper, requiring them to do such work opposite their respective lots according to a plan and specification to be prepared and on file in the office of said board, showing the location and size, and the kind and quality of material of such lateral sewers or drains, and water and gas service pipes; and if such owners or occupants shall refuse or neglect to do the same before the

paving or re-paving of said street so ordered, and within ten days after the publication of such notice, the said board may procure the same to be done and charge and assess the expenses thereof to the lots or parts of lots fronting upon such work, in the manner provided in and by section 5 of chapter 18 of this act; and the same shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or re-paved by order of the common council unless the water and gas mains and service pipes and necessary sewers and their connections, shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or re-paved.

Amends chapter 137, laws of 1887.

SECTION 15. Said chapter 19 is hereby further amended by adding thereto the following section, which shall be known as section 33. Section 33.

Assessment for sewerage purposes, how based.

The board of public works, in assessing abutting lot owners for the cost of any sewer, shall base such assessment upon the cost of an eight inch sewer.

City treasurer may be re-elected.

SECTION 16. The city treasurer may be elected to succeed himself.

Conflicting acts repealed.

SECTION 17. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1891.

No. 244, S.] [Published April 7, 1891.

CHAPTER 123.

AN ACT to revise, consolidate and amend chapter 127, of the laws of the state of Wisconsin for the year 1874, entitled, "An act to incorporate the city of Menasha, and acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

City boundaries and corporate powers.

SECTION 1. All that section of country situated in the county of Winnebago, state of Wisconsin, and embraced within the following described limits and boundaries, to-wit: Lots three and four, in section thirteen, all of section fourteen, all of section fifteen, all of section sixteen, east of low water mark on the west shore of Lake Butte des Morts, all of the north half of section twenty-one, east of low water mark, on the west shore of Lake Butte des Morts, all of the north half of section twenty-two, all of the north half of section twenty-three, and all of such parts of the south half of sections twenty-two and twenty-three, extending from Lake Winnebago on the east to the center line of Commercial avenue on the west, and north of the center line of the avenue now forming the dividing line between said cities of Menasha and Neenah, same being a strip one hundred feet wide from north to south, and all in township twenty north, of range number seventeen east, shall be a city by the name of Menasha, and all the people inhabiting the said described section of country, and those who shall hereafter inhabit the same, shall be a municipal corporation by the name of the city of Menasha, and shall have generally all the powers belonging to municipal corporations at common law, and shall also have and possess all the rights and powers

hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all the courts of law and equity, and shall have a common seal, and may alter the same at pleasure.

Ward boundaries.

SECTION 2. The said city of Menasha shall be divided into four wards as follows: The First ward shall include all that territory in said city north of the Fox river, and included between the following line on the east side of said ward, to-wit: On the section line between sections fourteen and fifteen running north from Fox river to Round's addition, thence fifty feet west to the line between Round's addition and Reed's addition, thence along the line between Round's and Reed's addition north to the north line of the corporation limits, and the following line on the west side of said ward, to wit: Commencing on the north line of said city at the center of Milwaukee street, thence along the center line of said Milwaukee street to the south line of Darling's addition, thence westerly along the south line of Darling's addition, to the line between lots twelve and thirteen in block thirty-five, thence south on the line between lots twelve and thirteen, and between twenty-one and twenty-two, in blocks thirty-five, thirty-two, and sixteen, on the line between lots seven and eight and lots twenty nine and thirty, in block eight on the line between the lots thirty-two and thirty-three, and lots thirteen and fourteen, in block seven, thence along the center line of Clay street between blocks two and three to the canal, and on the line between lots twenty and twenty-one, in block one to the Fox river. The Second ward shall comprise all that territory in said city west of the above described west line of the First ward. The Third ward shall comprise all the territory in said city on Doty's island, and all south of the north branch of the Fox river. The Fourth ward shall comprise all the territory in said city north of the Fox river and east of the above described east line of the First ward.

First ward.

Second ward.

Third ward.

Fourth ward.

Corporate powers, how vested.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled a mayor, in one board of aldermen, consisting of

two members from each ward, who with the mayor, shall be denominated the common council; together with such other officers as are hereinafter mentioned, or may be created under this act.

CHAPTER II.

OFFICERS, THEIR ELECTION AND APPOINTMENT.

Elective and appointive officers; terms of

SECTION 1. The elective officers of said city shall be a mayor, a city treasurer, two assessors, two justices of the peace, and two constables, to be elected by the voters of the city at large, and two aldermen and one county supervisor from each ward. Justices of the peace, treasurer, and aldermen shall be elected for two years, and all other officers for one year. The appointive officers of said city shall be a city clerk, city attorney, chief of police, superintendent of the poor, superintendent of the streets, superintendent of schools, and one school commissioner from each ward; chief engineer of fire department, city surveyor, and as many firemen, policemen, and other such officers or agents as may be provided for by this act or as the common council may determine to be necessary. The superintendent of schools and school commissioners shall be appointed and hold their offices for two years, and all other officers shall be appointed, and hold their offices for one year.

Appointive officers, when and how chosen.

SECTION 2. All appointive officers shall be appointed by the common council, at the annual meeting after each annual municipal election, or at such other time within two weeks thereafter as the council may determine, and at such other times as it may be necessary to fill vacancies.

Annual municipal election, when and how held.

SECTION 3. The annual municipal election in said city shall be held on the first Tuesday of April in each year, and at such place in each ward as the common council shall designate, at which time there shall be elected by the qualified electors of said city, in the manner herein provided, all officers required to be elected at such general municipal election. The polls of such election shall be opened at nine o'clock in the forenoon, and kept open until sundown of the same day without intermission.

Old officers to continue until end of term.

SECTION 4. All officers now in office shall continue to hold such office during the term for which they have been respectively elected or appointed.

Officers, terms of; when to commence.

SECTION 5. The terms of office of all elective officers shall commence on the second Tuesday of April in the year of their election, and continue for one year, except justices of the peace, treasurer and aldermen, who are elected for two years, and until their successors are elected and qualified. All appointive officers, appointed for one year, shall hold their respective offices from the time of their appointment until the second Tuesday of April next succeeding their appointment and until their successors are elected and qualified; and all appointive officers, appointed for two years, shall hold their respective offices for two years from the second Tuesday of April in the year of their appointment, and until their successors are elected and qualified.

First council, how composed; when to organize.

SECTION 6. The first common council under this act shall be organized and enter upon its duties on the second Tuesday of April, A. D. 1891, and shall be composed as follows. The mayor and aldermen from each ward as follows: The aldermen from each ward, whose term of office will expire in A. D. 1892, shall be one of the aldermen from such ward under this act, until the end of his said term; and at the annual election in A. D. 1891, the qualified electors of each ward shall elect one alderman for the term of two years, and thereafter one alderman from each ward shall be elected at each annual election, for the term of two years.

Notice of municipal election.

SECTION 7. Ten days prior to each annual municipal election, the common council shall cause to be published in the official newspaper printed in said city, if there be one, a notice in which shall be stated, the officers to be elected and the time and places of holding such election. If there be no such newspaper printed in said city, then the city clerk under the direction of the council, shall post up, one copy of said notice in each ward at the place of holding such election, at least ten days prior to said election: Five days' notice shall be given in like manner of all special elections.

Vacancies, what to constitute.

SECTION 8. Any officer removing from the city or any ward officer removing from the ward for

which he is elected, or, any officer who shall neglect or refuse for ten days after notice of his election or appointment, shall be given him by the city clerk of said city, as provided herein, to qualify and enter upon the discharge of the duties of his office, unless prevented by sickness or unavoidable absence, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Eligibility to office.

SECTION 9. No person shall be eligible to hold any office mentioned in this act, unless he shall be a qualified elector of the state of Wisconsin, and shall have been a resident elector of said city for ten days previous to the election or appointment, nor shall any person be eligible to any ward office unless he shall have been a resident elector of such ward for ten days previous to his election or appointment.

Vacancies, how filled.

SECTION 10. In case of any vacancy in any of the offices, provided for in this act, the common council may fill the same for the unexpired term of such office, except vacancies in the office of mayor, justice of the peace or aldermen.

Removals from office. Proceedings when charges are filed.

SECTION 11. The common council shall have power, for gross negligence, malfeasance or misconduct in office, to expel any of its own members, and to remove any elected or appointed officer, excepting justices of the peace, by a two-thirds vote of all the members of the common council, but written charges shall first be filed with the city clerk, and due and reasonable notice, and opportunity, shall then be given for the hearing upon such charges, to the officer proposed to be removed. The mayor or city clerk upon the hearing and investigation by the council of such charges, shall be authorized to administer the necessary oaths to witnesses. Any justice of the peace of the city is authorized to issue subpœnas for witnesses requiring them to attend before said council, wherein the city shall be nominally plaintiff, and the party charged, defendant. In a case of neglect or refusal of any such witness to attend and testify on such hearing, the justice of the peace, who issued the process of subpœna, shall have the same power to issue a warrant of attachment and punish for contempt by law, as in cases in justice court, where the witnesses refuse or neglect to appear or testify.

Upon such hearing the common council may adjourn from time to time as may be deemed necessary. And if such officer neglects to appear and answer to such charges, or if such charges are sustained by the common council, then the common council may declare such office vacant, by two-thirds vote as aforesaid. Any appointive officer may be suspended until the disposition of the charges against him, by resolution of the common council.

Officers to deliver moneys, books, etc., to successor.

SECTION 12. All city or ward officers, at the expiration of their terms of office, or upon their resignation, removal or vacation from office, shall immediately deliver to their successor in office all property, moneys, books, papers and effects, of every description in their possession belonging to the office they may have held.

Salaries and compensation, council to fix.

SECTION 13. The common council shall, at its annual meeting after the annual municipal election, or as soon as may be thereafter, by resolution, fix the salaries and compensation to be paid to such of the city officers and employes elected or appointed under the provisions of this act as are entitled thereto; provided, that no salary or compensation having been once fixed shall be increased to any officer or employe during his term of office or employment, unless by the unanimous consent of all the members of the common council elect.

Salaries, limitation of.

SECTION 14. The compensation to be paid to the city clerk, shall be not less than five hundred dollars, nor more than six hundred dollars *per annum*. The compensation of the city attorney shall be not less than two hundred dollars, nor more than three hundred dollars *per annum*. The compensation of the superintendent of schools shall be not less than fifty dollars, nor more than one hundred dollars *per annum*. The compensation of the superintendent of the poor, shall be not less than one hundred dollars, nor more than one hundred and fifty dollars *per annum*, which salary shall be paid quarterly or monthly as the common council may determine. All other officers to whom any compensation is by this act provided to be paid, may be established and paid by the day, week, month or year.

Tie votes to be determined by casting lots.

SECTION 15. When two more candidates for an elective office under this act shall receive an equal

number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time after it shall have met to canvass the votes of such election, and in such manner as the common council shall direct.

CHAPTER III.

ELECTIONS.

Elections; qualifications of electors.

SECTION 1. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All qualified electors of this state, and who shall have been residents of the ward where they offer to vote, for ten days next preceding and the time of holding said elections, shall be entitled to vote for any officer to be elected under this act and qualified to hold any office hereby created.

Council to vote by ballot, when.

SECTION 2. All elections by the common council shall be by ballot, and a majority of the votes of the aldermen entitled to seats in the council shall be necessary for a choice. But in case of an equal division the mayor may give the deciding vote.

Inspectors and clerks of elections; choice of how made.

SECTION 3. Inspectors and clerks of election for each ward of said city shall be appointed in such manner as now is, or hereafter may be, provided by the general laws of the state of Wisconsin; and such inspectors and clerks of all municipal or other elections in their respective wards. All general laws of the state relative to the filling of vacancies in the office of inspectors and clerks of elections in the cities, shall be applicable to all municipal elections of said city; and when any inspector or clerk of election shall be a candidate for any municipal office, his place shall be filled in the same manner as if a vacancy had otherwise occurred.

General laws to govern elections.

SECTION 4. All of the general laws of this state relative to elections and the qualifications of electors, the challenging of persons offering to vote by any elector or inspector of elections, as not being qualified to vote at any election, or for any of the causes mentioned in the general laws of the state, the punishment for illegal voting, and

the laws of registration of electors, shall be in force and apply to all elections held under this act.

Illegal voting; punishment of.

SECTION 5. If any person who is not a qualified voter, shall vote at any election, or if a person qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by such penalties as are provided and imposed by the general laws of the state of Wisconsin.

Inspectors, duties of; penalty for violations or frauds.

SECTION 6. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote shall be challenged as aforesaid, and who shall swear to their vote, and if any inspector shall knowingly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall knowingly fail to write down the name of every voter as he votes, or shall willfully make untrue or incorrect counts and tallies of votes, such inspector or clerk shall be liable to prosecution therefor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars for each offense, or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Canvassing the votes and declaring the result.

SECTION 7. When the election shall be closed the number of votes cast for each person voted for shall be counted, and the inspectors shall then publicly declare the result and make returns thereof, stating therein the number of votes cast for each person for any office, and shall deliver or cause to be delivered such returns to the city clerk within twenty-four hours after the closing of the polls, with the defective ballots cast, if any, at such election, enclosed in a sealed envelope. The second day after any election, at half-past seven o'clock P. M., the common council shall meet at their usual place of meeting and canvass such returns and declare the result as it appears from the same, and the clerk shall forthwith record the same and give notice of his election to each officer elected.

Special elections, how held.

SECTION 8. Special elections by the people to fill vacancies, or for any other purpose shall be held and conducted by the inspectors and clerks

of election of the several wards in the same manner and canvassed by the council within the time and in the same manner as prescribed for the annual municipal election.

Vacancies only to be filled for unexpired term.

SECTION 9. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof, for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Penalty for failure to turn over books, papers, etc., to successor.

SECTION 10. If any person having been an officer of said city, shall not, within twenty-four hours after demand, and presentment by his successor of the city clerk's certificate of his successor's election or appointment and qualification to said office, deliver to his successor in office, all property, money, books, papers and effects of every discription belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of said city a sum not exceeding one hundred dollars as the common council may determine and all damages and costs caused or incurred either by said city or his successor by his neglect or refusal so to deliver, and for such damage he and his bondsmen shall be liable as for a breach of his official bond, and further such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this state.

Elections not held at appointed time may be subsequently held.

SECTION 11. Should there be a failure to hold any annual or special election, or by the people to elect any officer required by this act to be elected, on the day designated or fixed, it shall be the duty of the common council, within ten days thereafter to order a new election to be held, and to require notice of the time and places of holding such election, and of the officer or officers to be elected at such meeting as provided herein; in case of annual or special election, the same shall be held and conducted and returns made and canvassed in the same manner as annual elections.

City and ward officers to be voted for on one ballot.

SECTION 12. The votes for all city and ward officers shall be on one ballot and shall be deposited in the same ballot box.

CHAPTER IV.

DUTIES OF OFFICERS.

Mayor; his powers and duties.

SECTION 1. The mayor, when present, shall preside over the meetings of the common council and see that the laws of the state and the laws and ordinances of the city are duly enforced, and that all officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all duties imposed upon him by this act or by the ordinances or resolutions of the common council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the common council only in case of a tie vote. The mayor shall have power to veto any ordinance or resolution passed by the common council, as hereinafter provided, except such resolutions as are by this act specially exempted from such veto power; and shall have power to command and direct the chief of police and the policemen of the city at all fires, riots, disturbances of the peace and tumultuous assemblages, and may, for disobedience of his orders or misconduct of any member of the police force, verbally or in writing, suspend such member of the police force and stop his pay until the common council shall take final action on the order of suspension.

President of council; his powers and duties.

SECTION 2. The common council at its first meeting in each year after the annual election or as soon thereafter as practicable shall elect one of its members president, who, in the absence of the mayor, shall preside over the meeting of the common council; and who, in case of the absence of the mayor from the city or his inability to discharge the duties of his office for any reason, or in case the office of mayor shall become vacant, shall act as mayor and discharge all the duties and have all the powers of his office, except as hereinafter limited. In case the mayor and president shall both be absent, from any meeting of the council, the council may elect one of its own members, temporary president who shall preside over such meeting,

and while so acting shall have the power and discharge the duties of mayor, and shall be styled "acting mayor," but provided that such temporary president shall not sign any city order, and that neither such president nor temporary president shall sign any bond, certificate of appropriation or resolution appropriating money for any purpose, or any instrument for payment of any money, except such president, while acting as mayor may sign city orders for payment of salaries of officers and accounts allowed by the common council.

City clerk; his powers and duties.

SECTION 3. The clerk shall keep the corporate seal and all papers and records of the city, and keep a record of proceedings of the common council, at whose meetings it shall be his duty to attend; he shall keep an accurate and detailed account of the financial condition of the city and of each ward as the common council may prescribe. He shall so keep the books of said city that every subject of taxation shall be entered under its proper head, as state, county, schools, bridges, and the like; he shall make copies of assessments of the city when required by the common council, and shall make and complete all tax rolls; he shall also keep an accurate account with the city treasurer, and charge him with all taxes levied and sums paid into the treasury; he shall make out a list of all outstanding city bonds and coupons, to whom, when and where payable; he shall report to the common council as often as the common council shall require, an estimate of the expenses of the city and of the several wards, and of the revenue necessary to be raised for the current year, and shall countersign all contracts made in behalf of the city, and unless they be so countersigned they shall have no validity; he shall countersign all orders drawn on the city treasury by order of the common council, and shall keep a correct record of the same; he shall be clerk of the board of review and shall attend the meetings of such board and keep a correct record of the proceedings thereof; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages as filed shall be as valid and legal as if the same had been filed in any town clerk's office in

any town, and copies of all papers filed in his office, and transcripts from the records in his office and of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. The clerk shall have power and authority to administer oaths and affirmations. The city clerk of the city of Menasha shall have power to appoint a deputy clerk and remove him at pleasure. The deputy clerk, in the absence of the clerk shall perform all the duties of the clerk. His salary shall be paid by the clerk, who shall be responsible for the faithful performance of his duties.

Treasurer; his powers and duties.

SECTION 4. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council may direct; all money of whatever description raised by tax, license, fine, penalty, forfeiture or otherwise for city purposes, shall be paid into the city treasury; he shall collect all taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers when not prescribed by this act, as control and govern the treasurers of towns; and he shall be subject to the same liabilities; he shall pay all orders drawn on the treasury by order of the common council, or as is otherwise authorized, out of the proper funds; he shall report to the common council quarterly, and as often as the common council shall require, a full and detailed account of all receipts and expenditures after the date of the last quarterly report, which statement shall be filed with the city clerk; and at the expiration of his term of office, shall hand over to his successor, all moneys, books, and property in his possession belonging to said city. The books kept by said treasurer shall be open to inspection by any person at all reasonable times. He shall receive such compensation only as is hereinafter provided. No person shall be eligible to hold the office of treasurer for two successive terms.

City attorney; his powers and duties.

SECTION 5. The city attorney shall conduct all law business of said city and the departments thereof, unless relieved by the common council. and all other legal business in which the city shall

be interested, and when so ordered by the common council, he shall furnish written opinions on all subjects submitted to him by the mayor or council, or any department of the corporation; it shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments in writing as may be required by the common council, and to perform such other duties as may be prescribed by the ordinances of the city or by any resolution of the common council.

City surveyor, qualifications; his powers and duties.

SECTION 6. The city surveyor shall be a practical surveyor and engineer, he shall keep his office at some convenient place within the city, and the common council shall prescribe his duties and fix his fees and compensation for any service performed by him. All surveys, profiles, and estimates made by him for the city shall be the property of the city and shall be carefully preserved in the office of the surveyor, open to the inspection of all parties interested; and when required by the common council, he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

Chief engineer of fire department; his powers and duties.

SECTION 7. The chief engineer of the fire department shall in all cases have control of the different fire companies of the city, their engines, steamers and fire apparatus, and also the direction and control thereof, when called out on duty subject only to the common council; he shall see that the engines, steamers and apparatus of the fire department are kept in perfect order and readiness for immediate use, and cause all necessary repairs to be made without letting the same by contract, and report the same to the common council for approval and allowance; he shall use his utmost endeavors in preventing and subduing fires and controlling the firemen thereat; he shall perform such other and further duties as are prescribed in other provisions of this act, and by the ordinances of the common council.

Superintendent of schools; his powers and duties.

SECTION 8. The superintendent of schools shall be *ex officio* president of the board of education, and in case of a tie shall give the casting vote; he shall have the superintendence of all the public schools, school-houses, books and appara-

tus, he shall visit all the schools as often as his duty will require, and pay special attention to the classification of the pupils in the several schools, and to the apportionment among the classes of the prescribed studies; he shall carefully observe the teachings and discipline of all teachers employed in the public schools, and shall report to the board whenever he shall find any teacher deficient or incompetent in the discharge of his or her duties; he shall attend all meetings of the board of education, when required, and shall keep the board constantly informed of the condition of the public schools, and changes required in the same.

Chief of police; his powers and duties.

SECTION 9. The chief of police shall attend all meetings of the common council and shall perform such duties as shall be prescribed by this act or by any ordinance of the city for the preservation of the peace, for the health of the city and the collection of fines and license money; he shall possess the powers of constable at common law or by the laws of this state, and shall receive like fees and be subject to the same liabilities; it shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state of Wisconsin; he shall under the direction of the mayor, be chief executive of the police department; he shall repair to all fires, riots and tumultuous assemblages, take charge of the police present, and use every exertion to protect property, disperse mobs, and cause to be arrested all persons engaged in disturbing the peace; to apprehend any person in the act of committing any offense against any ordinance of said city or the laws of this state, and, within reasonable time bring such person before competent authority for examination; he shall have power to direct the policemen to any place where he shall deem their service necessary; he shall promptly report to the mayor all complaints against the policemen and cause to be obeyed all rules and regulations prescribed for the police department, and he, or some policeman, shall be keeper of the lock-up and keep the keys thereof.

SECTION 10. It shall be the duty generally of all policemen appointed by the common council to faithfully perform such duties as shall be prescribed by the ordinances, laws and resolutions of the common council for the preservation of the public peace and health of the city, and they shall possess all common law and statutory powers of constables; they shall faithfully abide by all ordinances prescribing the manner and extent of their duties and the time in which such duties are to be performed; they shall perform all duties for the city required, under such regulations as the common council shall prescribe. Policemen; their powers and duties.

SECTION 11. The mayor, sheriff of Winnebago county, each and every alderman, justice of the peace, chief of police, policeman and constable, shall be officers of the peace, and suppress in a summary manner, all riotous and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens; and if any person shall refuse to aid in maintaining the peace, when so required, every person shall forfeit and pay a fine of twenty-five dollars. It shall be lawful for the mayor and aldermen, chief of police, every policeman or constable of the city to arrest forthwith any person within the city, who shall be drunk, disorderly, riotous or doing any act which shall by this act be construed to be a misdemeanor, or by warrant, to arrest any person whom they, or any of them, shall find committing any violation of the laws of this state or any ordinance of the city, and to take such person before a justice of the peace of the city, or if it be out of office hours, or for any other good reason an examination or trial cannot be had, to confine such person so arrested in the police station or common jail of Winnebago county until such time as an examination or trial can be had. Officers of the peace; penalty for failure to obey.

SECTION 12. The several fire wardens of the city shall examine as to the construction of all chimneys, fire places, hearths, stoves, stove pipes, ovens, smoke stacks, boilers and fire apparatus used in and about any building, and shall have power to prevent the improper construction thereof; and may cause them to be removed and placed in a safe and secure position; they shall prevent the depositing or keeping of ashes or any Fire wardens; their powers and duties.

combustaible material in any place except such as is safe; and they shall perform other and such further duties as may be ordered or prescribed by the common council.

Justices of the peace; jurisdiction of; approval of bonds.

SECTION 13. The justices of the peace, elected under this act, shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of this state and shall qualify in the same manner, except that their official bond shall be approved by a majority of the common council; and in addition thereto they shall have concurrent jurisdiction in all cases arising under this act, the ordinances, resolutions and by-laws passed by said city council unless otherwise provided. Their fees shall be governed by the general laws concerning the fees of justices of the peace; but they shall not be furnished or paid by said city, nor shall they receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as the party to a suit before them. They shall as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall account for and pay over to the treasurer of said city, all fines and penalties collected by them, and belonging to said city, within ten days after receiving the same and take his receipt for the same.

Superintendent of poor; his powers and duties.

SECTION 14. The superintendent of the poor shall have the same powers and shall perform the same duties in relation to the care and support of the poor, as supervisors of the several towns, under the general laws of the state; provided, however, that he shall keep such accounts as the common council may direct, and at all times be subject to, and obey all orders and resolutions of the common council, concerning his duties and care and support of the poor, and shall report from time to time as the council shall direct.

Members of council not to be interested in city contracts.

SECTION 15. No member of the common council shall be directly or indirectly interested in any contract made with or in behalf of said city, and no officer of said city, shall directly or indirectly purchase or be interested in the purchase of any city or school order or certificate of indebtedness for less than the face thereof. Any person violating the provisions of this section shall be deemed

guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail for not more than six months or both, in the discretion of the court.

Salary of treasurer; other officials.

SECTION 16. The city treasurer shall receive the compensation provided for in this act and no more. The assessors and members of the board of review and inspectors and clerks of election shall receive such compensation as shall be fixed and allowed by the general laws of this state.

Board of review; how constituted.

SECTION 17. The mayor, clerk and assessors of said city of Menasha and one other person to be appointed by the common council shall constitute the board of review of the city of Menasha. The members of the board of review shall have the same compensation per day as the assessors. The time for which the members of the board of review shall receive compensation shall not exceed fifteen days. The mayor shall be chairman *ex-officio* of said board.

Assessors; compensation of.

SECTION 18. The assessors shall not receive compensation for a longer time than fifty days for making the assessment of real and personal property of said city.

CHAPTER V.

GENERAL POWERS AND DUTIES OF COMMON COUNCIL.

Common council, how constituted.

Style of ordinances; annual and stated meetings of, etc.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of Menasha do ordain," etc. The majority of the aldermen-elect shall constitute a quorum. The common council shall annually meet on the second Tuesday of April, after the annual municipal election at the council rooms in said city, and at such other times as they, by resolution or any rule adopted shall appoint. The mayor or a majority of the common council, for any good reason may call special meetings, by notice to each of the members to be served personally or to be left at their usual place of abcde. The common council shall determine the rules of its own proceedings, and be the judges of the

election and qualification of its members, and shall have power to compel the attendance of absent members.

Control and management of finances, except school moneys.

SECTION 2. The common council shall have the control and management of all the finances, except school moneys, as hereinafter provided, and of all the property of the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice and for the prevention of crime, and for the benefit of trade, commerce and health thereof, and as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws:

General powers of common council enumerated.

Manage finances.

1. To manage and regulate the finances, and to regulate, preserve and dispose of the property, real and personal, belonging to the city.

Levy taxes.

2. To adopt all legal and requisite measures for levying taxes and assessments.

Grant licenses.

3. To license, prohibit, regulate, tax and suppress the exhibition of common showmen of any kind, or the exhibitions of caravans, circuses, theatrical performances, musical entertainments, billiard tables, bowling saloons, and nine or ten pin alleys; to prescribe the amount to be paid for such license and the time when such license shall expire; and to grant licenses for the selling of spirituous, intoxicating, or fermented liquors, ale or beer, and to revoke the same for a violation thereof, and the amount to be paid for any such license for the selling of spirituous, intoxicating, or fermented liquors, ale or beer, shall be as is, or may be fixed by the general laws of the state of Wisconsin; and to prescribe the time when such licenses shall expire; and may require of all persons applying for licenses for the sale of spirituous, vinous, intoxicating or fermented

liquors, ale or beer, a bond in such penal sums and with such provisions as the common council shall direct; provided, that no person so licensed shall give away or sell spirituous, vinous, intoxicating or fermented liquors, ale or beer on election days or Sundays.

Restrain gaming.

4. To restrain or prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gaming in said city.

Prevent riots.

5. To prevent any riots, noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses and groceries and houses of ill-fame; and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Compel cleanliness.

6. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Regulate breweries.

7. To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city, distilleries, slaughtering establishments, establishments for steaming or reducing lard, tallow, offal, and such other substances, as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Establish public markets.

8. To establish and regulate public markets, determine their location and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Regulate butchers.

9. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city; to restrain and punish the forestalling of poultry, fruit and eggs, and to cause the seizure and destruction, or other dispo-

sition of tainted, unwholesome meat, butter, vegetables, fruit or provisions.

Direct storing of combustibles.

10. To direct or prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials, within the city.

Regulate keeping of combustibles.

11. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out houses.

Restrain shooting.

12. To prevent the shooting of fire-arms and crackers, and to prevent the exhibition or use of any fireworks at any time or in any situation which may be considered by the council, dangerous to the city or to any property therein, or annoying to any citizen thereof.

Prevent encumbering of streets.

13. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wagons, sleighs, sleds, wheel-barrows, boxes, lumber, firewood, timber, posts, signs, awnings, or any substance or material, or in any manner whatsoever.

Prevent horse racing.

14. To prevent horse racing or immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving, as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

Regulate swimming.

15. To regulate and determine the times and places of bathing and swimming in canals, rivers, harbors or other waters in and adjoining said city and to prevent any obscene or indecent exhibition, exposure or conduct.

Punish vagrants

16. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain running at large of cattle.

17. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine sheep, goats, poultry and geese, and to authorize the restraining, impounding and sale of the same, for the penalty incurred and the costs of proceedings; and also to impose penalties on the

owners of any such animals for a violation of any ordinances in relation thereto.

18. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner, when at large contrary to such ordinances. Prevent running at large of dogs.

19. To provide for licensing the keeping of dogs in said city, at a sum or rate not less than one dollar, nor more than ten dollars a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the killing and destruction in a summary manner of all dogs not licensed wherever the same may be found within the city, and of the licensed dogs at large in the streets, alleys or public grounds in said city, and to punish persons keeping unlicensed dogs. License dogs.

20. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen and porters, and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupation with or without vehicles. Regulate hackmen.

21. To prevent and regulate the rolling of hoops, flying of kites, playing of ball, riding of bicycles and velocipedes, or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. Prevent ball playing.

22. To make regulations to prevent the introduction of contagious or infectious diseases into the city, or their spread therein. Prevent contagion.

23. To abate all nuisances, which are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. Abate nuisances.

24. To regulate the burial of the dead and registration of births and deaths; to provide hospital and cemetery grounds; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises. Regulate burial of dead.

25. To remove and abate all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct Declare what are nuisances.

the summary abatement thereof; but nothing in this act shall be so construed as to deprive any court of its jurisdiction to abate and remove nuisances in the streets, or in any other parts of said city or within its jurisdiction by indictment or otherwise.

Prevent bringing of putrid carcasses, etc., within city.

26. To prevent any person from bringing, having or disposing within the limits of said city, any putrid carcass, or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Establish pest houses.

27. To erect or establish one or more pest houses, hospitals and dispensaries, and control and regulate the same.

Prevent ringing of bells.

28. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets and sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise.

Control steam whistles.

29. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Regulate streets.

30. To control and regulate the streets, alleys and public grounds in said city and to remove and abate any obstructions and encroachments therein.

Compel removal of snow from sidewalks.

31 To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto; and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health shall direct; and on their default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owners or occupants.

Prevent encumbering of streets.

32 To control, regulate, repair, amend and clean all streets and alleys, bridges, side and crosswalks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof; and prevent the encumbering of streets and alleys in any manner, and protect the

same from any encroachments or injury, and to regulate the manner of using the streets and pavements in said city and protect the same from injury by vehicles used thereon.

Protect sidewalks.

33. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, and protect the same from injury or damage.

Establish pumps.

34. To make, establish and regulate public ponds, pumps, wells, cisterns and reservoirs.

Provide for street lighting.

35. To erect lamps and regulate the lighting thereof; and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Regulate sale of bread.

36. To regulate the sale of bread within said city, and prescribe the size and weight of bread in the loaf and the quality of the same; and to provide for the seizure and forfeiture of bread baked contrary to such regulations and prescriptions.

Prevent use of false weights and measures.

37. To require every merchant, retailer, trader and dealer, in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be in conformity to those established by law in this state.

Regulate weighing of hay, etc.

38. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the cutting and sale of ice; and to restrain the sale of such ice as is impure; also to regulate the sale and measuring of wood and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and to define their duties.

Regulate auctions.

39. To regulate the times, places and manner of holding public auctions or vendues.

License auctioneers.

40. To tax, license and regulate auctioneers, distillers, brewers and pawn-brokers, and all keepers or proprietors of junk-shops and places for the sale and purchase of second-hand goods, wares and merchandise; and to tax, license, regulate and restrain hawkers and peddlers, and runners or solicitors for steamboats, vessels, cars, railroads,

stages, public houses and other establishments; and other runners, including runners or solicitors for mercantile houses from other cities and towns for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers or proprietors of gift book stores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license and to regulate the manner in which they shall be carried on.

Regulate sale of fish.

41. To regulate the places and manner of selling pickled and other fish.

Inspect liquors.

42. To regulate the inspection of whiskey and other liquors, to be sold in barrels, hogsheads and other vessels.

Establish public grounds.

43. To establish and regulate public grounds, parks and boulevards, and to purchase grounds for the same.

Appoint policemen.

44. To appoint watchmen and policemen, and regulate the police and prescribe their duties.

Compel numbering of houses

45. To compel the owners and occupants of all houses, stores or other buildings within the city of Menasha to number the same in such manner as the common council may from time to time prescribe.

Destruction of noxious weeds.

46. To declare the weed commonly called the Canada thistle and other noxious weeds and plants on lots, parts of lots and lands in said city, a public nuisance, and to proceed to abate the same as the said city is authorized by law to abate other nuisances.

Provide penalties.

47. To impose fines for all violations within the limits of said city, of the general laws of the state, when in their judgment, it is necessary, for the peace and good order, or for the health of the city.

Direct planting of trees.

48. To direct the planting and preserving of ornamental trees in the streets and public grounds.

Preserve public waters from pollution, etc., and provide penalties therefor.

49. To preserve Lake Winnebago, the Fox river within the limits of the city of Menasha, and prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure

or offensive or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substance or filth, or floating matter; to prevent and remove all obstructions therein and punish the authors thereof; to prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels, passing the bridges over the Fox river in said city, or the canals of said city, and of coming to and departing from the wharves of said city, and to regulate and prescribe by ordinances, such location of the steamboats, crafts or vessels afloat within the Fox river and the harbor of said city, and such changes of station therein as may be necessary to promote order in said river and harbor, and the safety and convenience of the different water crafts and vessels therein, as near as may be, and to enforce such ordinances by penalties not exceeding fifty dollars for any offense against such ordinance.

Imprison vagrants, trespassers, etc.

50. To authorize the arrest, fine and imprisonment, as vagrants, of all persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves, in the streets, or other thoroughfares, or public places, to beg or receive alms; also keepers, exhibitors or visitors at any gambling table, gambling house, house of fortune telling, place for cock-figting, or other places of device; and all persons who go about for the purpose of gambling or watch stuffing, or who shall have in their possession any article or anything used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Regulate carrying of weapons.

51. To regulate or prohibit the carrying or wearing by any person under his clothes, or concealed about his person, of any pistol, revolver or slung shot, or cross-knuckles or knuckles of lead, brass or other metal, or bowie-knife, dirk-knife or dirk or dagger, or any other dangerous or deadly

weapon; and to provide for the confiscation or sale of such weapons.

Provide for safety against fire.

52. To control and regulate the construction of buildings, chimneys and stacks; and to prevent and prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney in said city, and to declare them to be a nuisance and to provide for their summary abatement.

Provide for speedy egress from public buildings.

53. To declare that it shall be unlawful for any hall, theater, opera house, church, schoolhouse or building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Detail men from police force.

54. To require the mayor and chief of police to detail a sufficient number of men from the police force of the city to take charge of the public grounds of said city, and to properly enforce the pound ordinances thereof, and to provide for the election of one or more pound keepers, and for the payment of such pound keepers, either by salary or fees, or partly by both; and to make all necessary rules and regulations for the enforcement of any pound ordinance of said city.

Establish fire department and provide regulations for construction of chimneys, etc.

55. To establish a fire department within the city, and prescribe the duties of officers and members thereof, and to regulate the construction of chimneys and smoke stacks and the cleaning thereof; to prevent the setting up or to require the removal of stoves, pipes, boilers and ovens deemed dangerous; to prohibit or regulate the deposit of ashes; to authorize any city officer, or any person designated by them, to inspect any place or places, to ascertain whether the same are in safe condition, and if not, to require the same to be made so, and also to regulate the carrying on of manufactories dangerous in causing or promoting fires; to extend and define, from time to time, the grounds to be enclosed in the fire limits; to require, regulate or prohibit all such other acts to be done as they may deem proper to prevent the occurrence, or to provide for the extinguishment of fires.

Grant right of way to street railways.

56. To grant by ordinance the right of way through any street or over any bridge of the city, to any person, persons or corporation proposing

to build thereon street railroads, the cars thereon to be propelled by horse or other power; and to grant them rights and privileges under such limitations and conditions as they may direct.

57. To control and regulate the manner of erecting brick and stone walls for buildings, and the thickness of the same, and to prohibit the construction, or require the removal of any such as they may deem dangerous to life or injurious to property, and prescribe penalties for the violation of such rules and regulations, to raze or demolish any building or structure, which, by reason of fire or any other cause may become dangerous to life or health, or may tend to extend a conflagration. Regulate erection of walls.

58 To direct the digging down and filling up of lots, whenever the same may be deemed necessary to prevent injury to the streets, side or crosswalks, or to adjoining property at the expense of the owners thereof, and to prevent, prohibit and cause the removal of all obstructions and encumbrances in and upon all wharves, streets, lanes, alleys, sewers, gutters, ditches, streams and public grounds in said city. Direct grading of lots.

59. To erect and establish a city jail for the confinement of disorderly, drunken or riotous persons, vagrants and all persons charged or found guilty of any offense under the laws of the state of Wisconsin, or any ordinance of said city; and to purchase or lease all the necessary grounds, and pass all such ordinances for the regulation thereof, as may be necessary; and to appoint a keeper. Erect a city jail.

60. To regulate the use of locomotive engines within the city, to direct and control the location of railroad tracks; maintain and control, at their own expense such bridges, viaducts, tunnels, gates, barriers, as the common council may deem necessary, and to enforce such ordinances by penalties, to be collected from the railroad companies, or by arresting the engineers, firemen or conductors, operating the trains in violation thereof, or by imposing such other penalties, not contrary to the statutes and constitutions of this state or the United States. Regulate use of locomotives, and location o tracks.

61. To regulate, control and prohibit the location, laying, use and management of telegraph, Regulate location of telegraph poles, wires, etc.

telephone and electric light power, wires and poles.

Ordain police regulations.

62. To make, ordain and pass ordinances and by-laws for the police, and to enforce such rules for the observance of laws, ordinances and regulations of the city police station.

Boards of health.

63. To establish and regulate boards of health.

Water works, council not to establish or contract for until authorized by vote of electors.

SECTION 3. The common council shall have power to provide for the erection of water works for the supply of water to the inhabitants, and to the said city for fire protection, and other purposes; to secure the erection of water works, said city may by contract or ordinance, grant to any person, company, or corporation, full right and privilege, and empower, and authorize such company, persons or corporation, to build for themselves and own such water works, and to maintain, operate and regulate the same, and in so doing, to use the streets and alleys of said city, in laying and maintaining the necessary pipe lines, and hydrants, on such terms and conditions, as may be prescribed by such ordinance or contract, providing for the supplying from said water works, the said city with water for fire protection, and other purposes, and also the inhabitants thereof with water, for such term of years, and for such price, and in such manner, and subject to such limitations as may be fixed by said contract; provided, however, that no ordinance or contract to purchase waterworks for, or in behalf of said city, or to erect such waterworks by the city, shall be valid or binding until the same shall be submitted to a vote of the qualified electors of said city, which may be done at a regular or special election called for that purpose, by a majority vote of the common council, of which at least two weeks notice thereof shall be given, and if a majority of the qualified electors shall vote in favor of such ordinance for the purchase of water works, the common council may raise the whole, or part of the money required by ordinance, to purchase the water works, by special tax upon all the taxable property, or may raise the whole or part thereof by issuing the bonds of the city of Menasha therefor, and selling the same; which bonds may be payable in twenty years, or less number of years; and shall not draw to exceed five *per cent.* interest, payable

annually, and which shall be paid by, from, and out of the taxable property of the city of Menasha.

Expense for sewers, drains, etc., to be apportioned upon lots benefited.

SECTION 4. Sewers, drains, or ditches may be made, or dug or repaired by the common council, at the cost, charge or expense, in whole or in part, as the council may determine, of the lots which may be deemed benefited thereby, and the common council shall apportion such costs, charges and expense among and on such lots, in such proportion or amount as said common council shall deem benefited thereby, and such amounts shall be levied and assessed upon said lots as a special tax; and be inserted in the tax roll first made out thereafter, and collected as other special taxes are; said work may be done by the common council, or by men in its employ, or let out by contract to some third party, or by the lot owner himself if he sees fit, under the direction and to the satisfaction of the superintendent of said works, or superintendent of streets of said city.

Regulation and license of auctions.

SECTION 5. The common council of the city of Menasha is hereby authorized and empowered by ordinance, to regulate the sale of goods, wares and merchandise, or any other property, at auction, in said city of Menasha, and may prohibit the sale thereof at auction within the limits of the said city of Menasha, by any person without having obtained license therefor; and may require such person or auctioneer so licensed, to pay for such license a fee of not less than two dollars per day, nor more than twenty five dollars per day, for each and every day for holding said auction or vendue; provided, however, that nothing in this act shall prohibit or effect in any manner, sales at auction, exempted from payments of license as specified in section 1585, revised statutes, as re-enacted and amended by section 2, of chapter 334, of the laws of Wisconsin for the year 1887.

Passage of ordinances over mayor's veto.

SECTION 6. Every ordinance or resolution of the common council (excepting those prescribing rules for their government and the appointment of officers) shall, before it takes effect, be presented to the mayor, by the clerk. The mayor, if he approves it, shall sign it, in which case it shall take effect immediately thereafter, unless otherwise provided for in the resolution or ordinance. If he does not approve of it, he shall re-

turn it with his objections in writing to the city clerk, within five days after he shall have received it. The common council may then proceed to reconsider the same, and, if two-thirds of all the members-elect shall agree to pass the same, it shall take effect as law. In every such case the vote shall be taken by ayes and noes, and be entered upon the records of the proceedings. If such ordinance or resolution shall not have been returned by the mayor, within five days after he shall have received it, it shall take effect in like manner as if he had signed it. Before any such ordinances or resolutions shall be in force, they shall be published in the official paper of said city, and together with the affidavit of publication, shall be recorded by the city clerk in the books provided for that purpose. The time and manner of publication proven by the original affidavit of publication or by the recorded copy thereof, or in case of the loss or destruction of either of the original affidavit, or ordinance, or resolution, or the book or books containing a record of the same, the contents of the affidavit, ordinance or resolution as well as the fact of recording the same, or any of them, or any matter or thing therein contained, may be proven by parole testimony.

Publication of ordinances required.

Council's power to abate nuisances not a bar to proceedings in court.

SECTION 7. The power conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, proceedings, or prosecutions in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses and places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to examine and adjust the accounts of city and ward officers.

SECTION 8. The common council shall examine, audit and adjust the accounts of city and ward officers or agents at such times as they shall deem proper, and also at the end of each year and before the time for which the officers are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such

examination and settlement; and if any such officer or agent shall refuse to comply with the order of said council in discharge of said duties, in pursuance of said section, or shall neglect or refuse to render his accounts, or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and institute proceedings at law, against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his office duties; and the common council shall cause to be made a full record of all such settlements and adjustments.

Council may by ordinance require convicted persons to work out fines.

SECTION 9. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the violation of any city ordinance for drunkenness, for being an inmate or frequenter of a house of ill-fame, or for disorderly conduct, and shall neglect or omit to pay any fine or costs imposed therefor, that such person or persons shall work out such fine and costs upon the public streets of said city, or shall do any other work that said city may have or wish to be done and the compensation therefor, to be fixed by the council, shall be deducted from such fine and costs thereon, and the council may pass the necessary ordinance to carry out the provisions of this section.

Building and repair of bridges.

SECTION 10. The common council shall have authority to build bridges over the Fox river and canal in the city, or to make the necessary repairs on any of the bridges in the city over Fox river and canal, and to provide for the payment of the same.

CHAPTER VI.

FINANCE AND TAXATION.

Mayor and clerk to draw orders against all funds, except school, state and county.

SECTION 1. All the funds in the city treasury, except school, state and county funds, shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were

turn it with his objections in writing to the city clerk, within five days after he shall have received it. The common council may then proceed to reconsider the same, and, if two-thirds of all the members-elect shall agree to pass the same, it shall take effect as law. In every such case the vote shall be taken by ayes and noes, and be entered upon the records of the proceedings. If such ordinance or resolution shall not have been returned by the mayor, within five days after he shall have received it, it shall take effect in like manner as if he had signed it. Before any such ordinances or resolutions shall be in force, they shall be published in the official paper of said city, and together with the affidavit of publication, shall be recorded by the city clerk in the books provided for that purpose. The time and manner of publication proven by the original affidavit of publication or by the recorded copy thereof, or in case of the loss or destruction of either of the original affidavit, or ordinance, or resolution, or the book or books containing a record of the same, the contents of the affidavit, ordinance or resolution as well as the fact of recording the same, or any of them, or any matter or thing therein contained, may be proven by parole testimony.

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examination and settlement; and if any such officer or agent shall refuse to comply with the order of said council in discharge of said duties, in pursuance of said section, or shall neglect or refuse to render his accounts, or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and institute proceedings at law, against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his office duties; and the common council shall cause to be made a full record of all such settlements and adjustments.

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drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

Certificates of indebtedness, how authorized.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Forfeitures and penalties to be a part of general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act.

Fiscal year.

SECTION 4. The fiscal year of the city of Menasha shall commence on the second Tuesday of April in each year.

Annual tax levy, when made; limitation for current expenses.

SECTION 5. The common council shall within ninety days after the first Monday of September in each year, by resolution determine what amount of money including the estimated resources of the city not derived from direct taxation, for the year then next ensuing, will be required for general city purposes during that year; and the council shall thereupon be empowered to levy, and shall by resolution, levy upon the taxable property of the city to defray the current expenses of said city, a tax not exceeding one *per cent.* of the assessed value of the real and personal property of said city for that year, and for all other purposes, except for schools, bridges, highways and the payment of the principal and interest of any outstanding bonds, debts or obligations of said city, a tax not exceeding one-half of one *per cent.* upon all the taxable property of said city for that year; the common council shall have power at the same time, in addition to taxes now required by law to be levied by them, to levy a tax for the purpose of paying the interest or principal of any outstanding bonds or obligations of indebtedness of said city or of such part of principal and interest of any bonded indebtedness of the town of Menasha, and which said city may be liable or bound to pay by the

provisions of this act, or which may hereafter be issued by said city, by authority of law, which may be now due or may be due at the time of levying such tax, or may become due before the time for collecting such tax; and they shall also levy the amount required to be raised for the support of the schools of said city for the erection of school houses, when required by a vote of the city or any department of the city authorized to order the same; and to levy a special tax to build or repair bridges, when the same may be necessary, not exceeding five thousand dollars, in any one year, which shall be collected at the same time as other city taxes are collected. No city order of any kind shall be received in payment of school or school-house tax, but the same shall be paid in money, and all such moneys shall be used for school purposes only. All resolutions for the purpose of levying a tax shall require for their passage a majority of all the members of the common council.

Special tax levy, maximum amount of.

SECTION 6. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice or the tax itself, shall invalidate or vitiate or in any wise affect the validity of the assessment of tax; provided, that this section shall not be so construed as to dispense with the requisite majority vote of all the members of the common council in the levying of a tax.

Error or informality not to invalidate tax.

SECTION 7. The city treasurer shall not receive from the treasurer of Winnebago county tax certificates in payment of any indebtedness which may become due from said county to said city; the city shall contract no debt and the common council shall make no appropriation during any fiscal year for city purposes, greater than the amount determined upon as provided in the foregoing section 5 of this chapter for such purposes, together with the amount of money which may be at any time in the city treasury derived from other sources than taxation.

Treasurer can not accept tax certificates in payment of county indebtedness.

SECTION 8. All scrip, certificates, treasury orders or other evidence of debt which shall hereafter be issued or authorized by the common council of the city of Menasha, and whenever the common council shall lawfully appropriate money

Orders on treasury to be issued in the order in which appropriations are made.

to any party, to be paid out of the city treasury, the mayor and city clerk shall issue an order, in the order in which such appropriations are made, specifying in said order the purpose for which such appropriation was made, and said treasurer shall pay the amount so appropriated and certified in the order in which they are so certified, out of the proper funds in his hands, belonging to the city, taking up such orders, and filing them in his office, and the city funds shall be paid out of the treasury in no other manner whatever.

Council may levy tax to pay judgments.

SECTION 9. The common council shall have power to levy a tax or taxes to pay any or all judgments against the city.

Treasurer may be removed for neglect of duty.

SECTION 10. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes as provided by this act, and so authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

Accounts to be verified before allowance.

SECTION 11. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries, and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account shall be deemed guilty of perjury.

Appropriations, for what purposes may be made. No allowance for interest,

SECTION 12. No money shall be appropriated or drawn out of the city treasury except in payment of accounts or demands allowed by the common council; and no interest shall be allowed or paid on any city order or certificate whatever, except as otherwise provided in this act.

Claim must be presented to council before action can be brought.

SECTION 13. No action shall be maintained by any person against the city of Menasha, upon any claim or demand, until such person shall have first presented his claim or demand to the common council for allowance.

Disallowed claim, reconsidered how.

SECTION 14. In case any person shall present his claim or demand to the common council, and the said council shall disallow such claim in whole or in part, it shall not thereafter entertain such claim, unless by consent of a majority of all the aldermen entitled to seats in the council. The determination of the common council disallowing in whole or in part any claim of any person shall

be final and conclusive, and a perpetual bar to any action in any court founded on any such claim or demand, except that such persons may appeal to the circuit court of said county as provided in the next section.

Appeal on disallowance of claim, how.

SECTION 15. When any claim of any person against the city shall be disallowed in whole or in part, by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Winnebago, by causing a written notice of such appeal to be served on the clerk of said city, within thirty days after written notice of the making of such decision, and executing a bond to the said city, with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same together with the bond and all papers in the case, to the clerk of the circuit court of Winnebago county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court Such court may, in its discretion, order former pleadings to be filed, and issue formed as in other actions, and costs shall be awarded as on appeals from justices' courts. The clerk, upon such appeal being taken, shall forthwith, give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

Clerk to notify mayor.

Injury to person, no action to lie, when.

SECTION 16. No action for injury to the person shall lie or be maintained against the city of Menasha, unless the person claiming injury shall permit the mayor or common council, by a physician of his or its appointment, to make personal examination of the alleged injury as often as requested, after the time of its infliction, until the amount of damages is adjusted.

Examination and adjustment of treasurer's accounts. Other officers.

SECTION 17. The mayor and clerk shall on or before the twenty-fifth day of March in each year examine, audit and adjust the accounts of the treasurer and other officers of said city, and report the result of such examination to the common council for final adjustment; and no financial

business shall be transacted after the said twenty-fifty day of March in each year by the common council.

Annual report of city clerk.

SECTION 18. The city clerk shall in the month of March in each year make out a detailed statement of the receipts and expenditures of the city, and of the financial condition of the city, and have the same published in the official newspaper of the said city.

Bonded indebtedness, not to be incurred, when.

SECTION 19. While the bonded indebtedness of said city exceeds five *per cent.* of the assessed valuation of all the taxable property of said city, no further bonded indebtedness shall be incurred (while the bonded or interest bearing indebtedness of said city exceeds five *per cent.* of the assessed valuation of all the taxable property of said city). No further bonded or interest bearing indebtedness shall be incurred, except as herein otherwise provided.

CHAPTER VII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessor, his powers and duties.

SECTION 1. The assessor shall assess all taxable property in said city, and shall make out the annual assessment roll for said city, in accordance with the general laws of the state, relating to the assessment of property and the duties of assessors. Immediately after such assessment roll is equalized, the same shall be verified by the oath of each of said assessors as required by law, and the assessment roll or a copy thereof, shall be deposited with the city clerk. All taxes shall be collected in the manner prescribed by the laws of this state.

Lands omitted in assessment through mistake or fraud may be assessed for tax of previous years.

SECTION 2. If the assessors, when making their assessment, shall discover any tract, piece or parcel of land in said city, was omitted in the assessment roll of either or both of the two preceding years, and was then liable to taxation they shall in addition to the assessment of such tract, piece or parcel of land for that year, assess the same separately for such preceding year or years, that it shall have been so omitted, at the fair and just value thereof, when the same should have been so assessed in such preceding year

or years, noting distinctly the year when such omission occurred, and that the same was omitted, and the reason, if any, why the same was omitted, and such assessment shall have the same force and effect as it would have had if made in the year the same was omitted, and taxes to the amount that should have been levied and paid in the year such omission occurred, shall be levied and collected thereon in like manner and together with the taxes of the year in which such assessment is made, and such lands shall be subject to taxes so omitted to be assessed in whosesoever hands they may come. And if the assessors when making any assessment shall discover that through the fraud, accident, mistake or negligence of any person or persons, officer or officers, in making out, copying or transcribing any tax, tax roll or assessment roll for the preceding year, that any tract, piece or parcel of land has been inserted in such tax or assessment roll for the preceding year at a less valuation than fixed upon by the assessors, or board of review for such preceding year, or that the amount or value of the aggregate valuation of personal property liable to taxation of any person or persons, corporation or corporations, as fixed by the assessors or board of review, for the next preceding year, has been altered or changed to a less amount or value, than the amount or value as fixed by the assessors or board of review for such preceding year, by or on account of the fraud, accident, mistake or negligence or any person or persons, officer or officers, in making out, copying or transcribing any tax roll or assessment roll of such preceding year, then the assessors shall deduct the value of such piece, tract or parcel of land, or the amount or value of such personal property as it appears from the assessment roll of such preceding year, from the true amount or value as fixed by the assessors or board of review for such preceding year, and shall in addition to the assessment of such tract, piece or parcel of land for that year, or in addition to the assessment to or of such person or persons, corporation or corporations, assess the said piece, parcel or tract of land, or such person or corporation, the amount and value of the difference as so fixed the preceding year by the as-

sessors or board of review, and the amount or value as it appeared on such assessment roll, or the roll of such preceding year, noting distinctly in the assessment roll the year when such alteration was made, and the amount or difference caused or made by such alteration; and taxes to the amount that should have been levied and paid on the same, shall be levied and collected thereon in like manner and together with the taxes of the year in which such corrected assessment is made, and shall have the same force and effect. And all such lands, or pieces or parcels of land shall be subject to such taxes in whosesoever hands they may come, and all persons and corporations shall be liable to pay such taxes so assessed on such personal property, and such taxes shall be collected in the same manner as other taxes. As soon as said tax shall be levied, the common council shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land and each person named such sum or sums as may be levied upon such lot or against such person; the said copy shall be designated as the tax roll and to it shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said roll specified. Such tax roll before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, and to it he shall append his certificate that the same has been so compared by him and that the said assessment roll and the whole thereof has been copied with such tax roll, and when so certified shall be *prima facie* evidence that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Treasurer to collect taxes upon receipt of tax roll.

SECTION 3. Upon receipt of the tax roll by the treasurer he shall proceed to collect the taxes and assessments of said city at the same time as is required by law of town treasurers to collect taxes.

Collection of taxes; notice of, how given.

SECTION 4. The city treasurer shall, upon receipt of the tax roll, publish a notice in the official paper of the city, specifying that all taxes and assessments whether upon real or personal property in said tax roll, shall be paid on or before the fifteenth day of January next thereafter

of said year, and that all taxes and assessments not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes and assessments and the publication of such notice shall be deemed and taken to be a demand, and failure to pay the taxes and assessments within the time limited in such notice shall be deemed as a refusal to pay the same. The city treasurer shall charge one *per cent.* fees for collection of taxes and assessments paid to the fifteenth day of January in each year, and shall charge and collect three *per cent.* upon all taxes and assessments paid to and collected by him after that date; provided, that the common council shall have power to extend the time for collecting such taxes not exceeding forty-five days from the expiration of the original warrant.

Council may extend time of.

SECTION 5. In case no goods and chattels shall be found out of which to collect taxes, or any lot or lots, or any piece of land or property, the treasurer shall make out a list of all the property and taxes remaining unpaid at the time required by law, and the list so made, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had not been able to find goods and chattels out of which to collect the taxes, shall be called "delinquent list;" and it shall be his duty to deliver such delinquent list to the treasurer of the county of Winnebago, at such time as is required by law; and he shall at the same time pay over to the county treasurer of Winnebago county, all moneys collected by him belonging to said county, and taxes belonging to the state of Wisconsin, in the same manner as required by law of town treasurers.

Delinquent list, what to comprise. To be delivered to county treasurer in settlement.

SECTION 6. If the city clerk in making out the annual tax roll of said city shall in any way discover or learn that the city treasurer in any one or more of the three preceding years has failed to collect any tax upon any real estate or personal property or both, duly assessed, levied and charged in the tax rolls of said city for any one or more of the said three preceding years to and against any person, company or corporation and has also failed to return the same as delinquent tax to the county treasurer of Winnebago

Uncollected taxes not returned delinquent may be inserted in tax list, how.

county, as provided by law, then upon the filing in his office of the affidavit of the city treasurer, so failing to collect or return said tax, and the affidavit of the said county treasurer, or other proof showing the assessment and levying of said tax, and the failure to collect or return the same, the said clerk shall insert the amount of said tax with the interest thereon from the first day of January in the year when the same should have been paid, in the tax roll of said city, next after the filing of said affidavits or other proofs as aforesaid, in a separate column in said roll, and against the same person, company or corporation, and the same property as the original taxes were assessed, levied and charged to be collected as other taxes; and the said treasurer shall have the same authority to collect said taxes as other taxes in said roll. In inserting the aforesaid tax, the said clerk shall give the year when the same was assessed, levied and charged, originally.

Interest on, how figured.

County treasurer to make return to city upon sale of delinquent lands.

SECTION 7. It shall be the duty of the county treasurer of Winnebago county, and he is hereby required, when lots, tracts, pieces or parcels of land have been returned by said city treasurer for any general tax of the state, or for any tax or assessment authorized under the provisions of this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by him, to pay to said city treasurer the amount which may have been returned delinquent, belonging to said city in cash.

Informality not to vitiate tax.

SECTION 8. All directions hereby given for the assessment of lands, and levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in any of the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself shall vitiate or affect the validity of the tax so assessed.

Special charge or assessment, treasurer to collect, how.

SECTION 9. In all cases specified in the provisions of this act, any charge or assessment shall be carried out in the tax roll in a separate column or columns, opposite to the lot or tract upon which the same may be a lien. The treasurer shall collect or do all other acts in regard thereto in the same manner as in the collection of other taxes.

SECTION 10. Upon receiving the annual statement of state and county taxes, the city clerk shall make out a tax roll of all the real and personal property in said city, as required by the general laws of the state, and shall, upon a uniform percentage, calculate and carry out in one item, opposite to each valuation in said tax roll, the amount required to be raised upon such valuation, to realize in the said city the whole amount of state, county, school and other taxes so certified, together with all the city taxes, except taxes to pay judgments and special assessments; and all other taxes including taxes to pay judgments and special assessments in separate columns, opposite the valuation of the property to be charged. The city clerk shall make a duplicate of said tax roll, and upon receiving the county treasurer's receipt prescribed in section 1080 of the revised statutes, said clerk shall attach to said duplicate tax roll, a warrant substantially in the following form:

Tax roll, how made. Duplicate of, with warrant to be delivered to treasurer.

The state of Wisconsin, to ....., treasurer of the city of Menasha, in the county of Winnebago:

Form of warrant.

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected after deducting your fees, you are first to pay to the treasurer of said county, on or before the last Monday of January next, the sum of ..... dollars for state taxes; you are to retain and pay out as city treasurer, according to law, the sum of .... dollars; and the balance of said moneys you are required to pay to said county treasurer for county purposes, on or before the day above specified, by which day you are further required to make return to said county treasurer of this warrant with said roll annexed, together with your doings thereon, as required by law.

Given under our hands and the corporate seal of said city of Menasha, this .... day of .... A. D. 18..

...., Mayor.
...., Clerk.

Said warrant shall be signed by the mayor and clerk, and sealed with the corporate seal of said city. The said clerk shall deliver such tax roll and warrant to the city treasurer, on or before the second Monday in December, or as soon thereafter as practicable.

Treasurer to collect upon receipt of tax roll. Fees for collecting.

SECTION 11. The city treasurer upon receipt of such tax roll shall proceed to collect the taxes therein named in like manner as town treasurers are, or may be required to do by law, and have the same powers as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one *per centum* fees upon all taxes paid to him on or before the fifteenth day of January, and three *per centum* fees upon all taxes collected after that time to be added to the amount of taxes and collected with the same. He shall also receive one *per centum* for receiving and disbursing all other money paid into the treasury and disbursed by him, except school money and city orders. The compensation herein provided for, shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

Taxes, a lien until paid.

SECTION 12. All taxes and assessments, general or special, levied in the city of Menasha under and by virtue of any law of this state, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property upon which such taxes may be assessed from the time of the receipt of the tax roll by said city treasurer, and no sale or transfer of such real or personal property, and no levy or sale thereof under and by virtue of any judgment, execution or attachment, or other legal process, shall affect such lien upon such real or personal estate.

No exemption from special taxes.

SECTION 13. All property in said city, real and personal and mixed, shall be subject to taxation for all purposes authorized by law excepting only such property as is or shall be exempt from taxation throughout the state by general laws exempting from taxation, but no real estate shall be ex-

empt from special taxes for local improvements provided for in this act.

SECTION 14. The assessors shall assess all the taxable property in said city and shall make out the annual assessment roll for the said city in accordance with the general laws of the state relating to the assessment of property and the duties of assessors and said assessment roll shall be equalized and notice thereof given at the time and manner required by law, and all other general laws of the state applicable to boards of review for the equalization of taxes in towns and cities shall be in force and apply to said city. Immediately after such assessment roll is equalized the same shall be verified by both of such said assessors as required by law and the assessment roll deposited in the office of the city clerk. Assessors, their powers and duties.

SECTION 15. The assessors shall on or before the third Monday in July annually deliver the assessment roll so completed as provided by the preceding section. And all the sworn statements and valuations of personal property, to the clerk of said city, and the same shall be preserved in his office. All the general laws of the state relative to the duties and powers of assessors and city clerks in all matters relating to the assessment of taxes, shall apply to and be in force in said city, except as otherwise provided in this act. Assessment roll to be completed and delivered to clerk, when

CHAPTER VIII.

IMPROVEMENT OF STREETS.

SECTION 1. The common council of the city of Menasha, shall have power to establish the grade of streets, alleys, gutters, sidewalks, etc., of said city, and to change and to re-establish such grade as it shall deem expedient; provided, that whenever it shall change or alter the grade of any street the city shall be liable to any person who shall have sustained damages by such change or alteration of grade for the damages so sustained. Council may establish and change street grades. Liability of city for change.

SECTION 2. The common council shall have power to cause sidewalks, curb-stones and gutters to be built, re-built or repaired, of such material and in such manner as it may direct, and to assess the cost thereof against the particu- Sidewalks, curb stones and gutters, council may order construction and repair of, how.

lar lot or lots in front of which such work shall have been done. Such work may be done or required to be done without any petition therefor, upon the filing with the city clerk of a plan and specifications of the work to be so done, and the passage of an order or resolution by the common council, describing the location of the lots or lands in front of which such work shall be done, and naming the owners thereof, if known, and containing a description of the work, and naming the time in which the same shall be done, which shall not be less than one week from the time notice of such order or resolution shall be given, either by service of copies thereof upon the owners of such lands personally, or by leaving a copy with the occupants of the building on such lot or lots, if they shall be occupied, or by the publication of such order or resolution in the official paper of the city, if there be one, if not, then in some other newspaper published in said city, or posting up in five of the most public places in said city at least one week before such work is required to be done, or improvement made. The affidavit of the officer serving such order describing the manner of such service, or the affidavit of the printer, of the publication of such order, shall be *prima facie* evidence of such service. If after the time mentioned for the performance of such work in such order, such work or any part thereof shall not have been done, the common council may cause such work to be done by contract or by men in its employ, and shall charge the particular cost of such work done in front of or contiguous to any lot or parcel of land as a special assessment against the respective lot or lots, in front of or contiguous to which such work shall have been done, and such assessment shall be collected as other taxes are collected.

Notice, how given.

Repair of sidewalks and removal of obstructions; how done upon failure of owner.

SECTION 3. All sidewalks shall be kept in repair and free and clear from all obstructions at the expense of the lot adjoining or abutting thereon, and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair, and free and clear as aforesaid, and the same shall be so out of repair for the space of twenty-four hours, the superintendent of streets shall cause the same to be done, and charge the expense thereof to such lot or lots

respectively; provided, however, that no sidewalk shall be so repaired at the expense of the lot, when the cost of such repair shall exceed one-half the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk. The superintendent of the streets, after he shall have repaired any such sidewalk, shall make out an itemized statement of the costs of such repairs, specifying the lot or lots, parcel or parcels of land adjacent to which such repairs were done, verified by his oath, and shall deliver the same to the city clerk. Said clerk shall present all such statements to the council at its first meeting in November of each year, and the council shall levy and assess the amount of such cost of such material and work upon the lot or parcel of land ad adjacent to which work was done or material furnished, or both, as the case may be, and said amount shall be a special tax against and lien on said property; and the same shall be inserted in the tax roll and collected as other taxes.

Owner to keep sidewalks in repair and from ice and snow.

SECTION 4. It is hereby made the duty of every owner of any lot or lots or tracts of land within the said city, and they are hereby required to keep and maintain the sidewalks in front of and adjacent to their respective lots, in good repair and free and clear of all obstructions including ice and snow, and the existence of defects in such sidewalks for the space of twenty-four hours, shall be notice to the owners of adjacent lots of their need of repair, and no other or further notice need be given.

Improvement of streets and alleys.

SECTION 5. The common council shall have power and authority to grade, gravel, plank or pave with any kind of pavement or construct or fix with any kind of material any street or alley in the city of Menasha, and construct and dig all the necessary ditches or gutters, and charge the cost and expense thereof to the center of the street or alley to any lot or lots fronting or abutting on such street or alley when such improvement is ordered by the common council in the same manner as is provided in section 2 of this chapter.

Extraordinary grading, city to do, and apportion expense.

SECTION 6. Whenever the general interests of the city require deep cutting or extraordinary filling in grading any street, and the owners of

the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the common council in writing that the expense of such excavation or filling will exceed the proportion that should be charged upon the adjacent property, the council may, in its discretion, order such cutting or filling to be done under the direction of the superintendent of streets, and shall in such order fix the amount justly chargeable to such lots or lands, and such sums shall be assessed thereon and collected as other special assessments; provided, that such representation shall be made before the time fixed for the performance of such work.

What street improvements chargeable to city.

SECTION 7. The expense of all improvements in construction or repair of streets at their intersection with streets or alleys and across public grounds and to the middle of streets and alleys adjacent to public grounds, and the building and repairing of crosswalks, and the laying and repairing of drains to carry the surface water at the intersection of streets, the construction and repair of sidewalks, curb-stones and gutters, adjoining any public ground or square, and the construction and repair of sewers across streets and alleys, and adjacent to public grounds, and the construction and repair of bridges shall be paid by the city at large.

Street improvements, proceedings upon petition for.

SECTION 8. The council may cause any streets or parts of streets to be paved or macadamized at the expense in whole or in part of the adjacent lots, upon a petition in writing therefor, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least half the frontage of such street, or part of street to be so improved. If the council shall determine that such improvement be made it shall cause to be made by some competent person, a plan and specification of the work to be so done, and an estimate of the average cost per foot of frontage on each lot, for the construction of the same to the center of the street. Such estimate shall include the cost of any cutting or filling necessary, and it shall be filed in the office of the city clerk for the inspection of all parties interested.

SECTION 9. Before proceeding to execute such proposed improvement, the council shall consider

and determine what proportion of the costs of such improvement should be paid by the lot owners, owning the respective lots fronting or bounding such streets, which shall be of uniform proportion and shall assess the amount so determined upon each such lot or tract of land as a special tax, specifying the amount, and shall thereupon cause notice to be published in the official paper, if there be one, if not, in some newspaper published in said city, that such assessment has been made, and that a time and place to be named in such notice, not less than one week from the publication thereof, the council will meet to review such assessment, that all persons interested will then be heard in objection to the proposed assessment, and any tax payer of said city shall be deemed interested. It shall be sufficient to state briefly in such notice the nature of the proposed improvement, and the locality; and no further or other assessment shall be necessary. At the meeting mentioned in such notice the council shall hear such objections as may be offered, and may review and modify such assessment, preserving uniformity throughout in such a manner as it may deem just; and for the purpose of such review may adjourn from time to time, as may be necessary; provided, no such assessment shall be increased without notice to the lot owners, if residents of said city.

Apportionment of cost for street improvements, how made; notice of to be given.

SECTION 10. Such assessments as finally adjusted shall thereupon be levied and assessed upon the respective tracts of land as a special tax, and inserted in the first annual tax roll made out thereafter and collected as other special taxes.

Assessment to be levied as special tax.

SECTION 11. In all cases mentioned in this chapter wherein the common council is authorized to cause improvement or repair to be made of any kind, the council may, in its discretion, cause the same to be done by men in its employ, and may procure the necessary material therefor, or may let the same by contract If let by contract it shall be to the lowest possible bidder, and notice of the time within which bids will be received shall be given by publication in the official paper if there be one, if not, in some newspaper published in the city, at least one week prior to the expiration of such time, and in all cases the council may require bonds from contractors in

Improvements and repairs, council to let contract or do otherwise.

such amount and penalty as it may direct for the faithful performance of contracts awarded to them.

Dangerous sidewalks, city to repair, when.

SECTION 12. Whenever any sidewalk or part of any sidewalk shall in the judgment of the common council, declared by a resolution to that effect, be in a dangerous condition to persons passing over it, for want of being repaired or remade, it shall have power to order the same to be forthwith repaired or re-made; and thereupon forthwith to employ fit persons to repair or remake the same for a fair price, and charge the expense thereof to the lots, parts of lots or parcels of land abutting thereon by a special assessment, and such assessment shall be a valid charge and lien upon such lots, parts of lots or parcels of land, without any estimate, notice, letting or proceeding preliminary to the doing of such work, except the resolution of said council so declaring such walk to be dangerous.

Snow and ice; street superintendent to remove upon owner's neglect; cost to be inserted in next tax levy.

SECTION 13. Whenever the superintendent of streets shall deem it necessary to remove the snow or ice in front of any lot or piece of land in said city, and the owners or occupants thereof shall neglect to remove the same for the space of twenty-four hours, the said superintendent shall remove or cause such snow or ice or both to be removed, and charge the same to the lot or lots, without any notice to any owner or occupant of said lot or lots, and it shall be the duty of the said superintendent after he shall have removed said snow and ice from in front of any lot or piece of land, when the same is completed to make out an itemized statement, duly verified, of the costs of such removal of ice or snow, or both, as the case may be, specifying the lot or lots, parcel or parcels of land adjacent to which such snow or ice, or both were so removed, and shall deliver the same to its city clerk. Said clerk shall present all such statements to the city council, on or before its first meeting in November of each year, and the council shall levy and assess the amount of such cost of such work upon the lot or tract of land adjacent to which such removal of such ice and snow, or either had been done, and said amount shall be a special tax, and the same shall be inserted in the next tax roll and collected as other taxes.

SECTION 14. The common council may, whenever it deems it advisable by ordinance, provide for a uniform system of sewerage, and by such ordinance or any ordinance amending or extending such sewerage, provide for connecting the different sewers in the city, built and hereafter to be built and apportion the cost of the same.

Council to provide for a system of sewerage.

SECTION 15. If a sidewalk on or in front of any lot shall become injured or destroyed by the burning of any building or property, or in consequence thereof, and the same shall not within a reasonable time be repaired or re-built by the owner of such lot, the common council may rebuild or repair such sidewalk at the expense of the lot without notice or letting to the lowest bidder.

Cost of work to be charged against lots

SECTION 16. When the common council shall deem any lot injurious to public health by reason of stagnant waters, or from other causes it may order that such nuisance be abated, by draining or filling such lot; or in any other manner by the owner or occupant, and upon their failure so to do, the council may abate or cause to be abated, at the expense of such lot, by taking the same proceedings as are herein required for the building of the sidewalk.

Stagnant water, council to provide for abatement of.

SECTION 17. Sewers, drains, gutters or ditches may be ordered dug, made or repaired by the common council at the cost, charge and expense of the lots which it may deem benefited thereby, and it shall apportion such cost, charges and expenses among and on such lots, in such proportion or amount as it shall deem the same benefited thereby. Such work may be done by the city or let by contract to some other party.

Sewers, drains, etc., cost of to be apportioned.

SECTION 18. Lots shall be liable as in this chapter provided, for the improvement of the streets to the center of the street on which they abut or join, and corner lots for all sidewalks up to the crossings, or cross walk.

Lots to be liable for improvements to center of street.

SECTION 19. All real estate shall be liable for the taxes and assessments provided for and authorized to be assessed in this chapter, in manner and form aforesaid; including any real estate belonging to the state of Wisconsin.

All real estate liable for taxes.

SECTION 20. The city shall not be liable for any damages arising or growing out of any sidewalks, streets, drains, sewers, gutters or ditches,

Damages from defective sidewalks, gutters, etc., liability of city for, when.

or bridges in said city, being in a defective or dangerous condition, or out of repair, unless it be shown that previous to the happening of the same, one of the aldermen of the city of Menasha, had knowledge thereof, and no knowledge of such condition of the same shall be presumed, unless the defect existed three weeks before such damages accrued; provided, however, that nothing herein contained shall be so construed as to mean that knowledge is to be presumed because such three weeks had elapsed.

Powers of council, how effected.

SECTION 21 Anything required to be done under any of the provisions of this chapter by the common council, may be done by order, resolution or ordinance.

Street work, street superintendent to have supervision of. Cost in first instance may be paid out of general fund.

SECTION 22. All work provided for in this chapter shall be done under the supervision of the superintendent of streets, unless otherwise provided, and to the acceptance of the common council, and in all cases wherein the council is authorized to do any work, or cause the same to be done and to assess the whole or any part of the cost thereof upon the adjacent lots, the expense of such work and material used may in the first instance be paid out of the general fund. The superintendent of streets, or person doing any such work, shall keep an accurate account of the cost of all labor and materials expended upon improvements or repairs, the whole or any part of which is chargeable to the adjacent lands, and before the first day of November in each year, shall report fully the same with itemized statements of accounts to the council, and if found correct, the council shall levy and assess the amounts so chargeable upon the respective tracts and lands assessable therefor, as a special tax, and the same shall be inserted in the tax roll for such year and collected as other city taxes

Informality not to affect validity of proceedings.

SECTION 23. All the directions given in this chapter shall be deemed directory only, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter shall in any way affect the validity of the proceedings had thereunder.

Proceedings to be presumed regular.

SECTION 24. All proceedings had under the provisions of this chapter or attempted to be had under the same, shall in all courts be deemed, presumed and taken to have been regular and it

shall be taken and presumed that all the provisions of said chapters were complied with, until the contrary is shown.

SECTION 25. The common council shall have power to vacate any plat, or part of plat, upon petition of all the property holders interested therein; provided, that notice of application for vacating said plat, shall have been published for three successive weeks prior thereto, in a newspaper published in said city, or posting up notices in three public places in said city.

Vacation of plat upon petition.

CHAPTER IX.

OPENING STREETS, ALLEYS, ETC.

SECTION 1. The common council shall have power to lay out and open public squares, streets and alleys, and to change and widen and extend the same; to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses. For such purposes it may take private property in the following manner: Whenever twenty or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the wards where such petitioners reside, for the public use for any of the purposes herein mentioned, specifying in such petition the purpose for which said lands were required, and the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the name shall be known to the petitioners. If the common council shall determine that the prayer of such petition should be granted, it shall cause an accurate survey and plat of such land to be made and filed with the city clerk, and it may purchase or take by donation from such owners, such ground as may be needed, by agreement with the owners, and to take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare their purposes to take the same and therein by metes and bounds or other appropriate description, describe the lands proposed to be taken, defining

Right of eminent domain, council may exercise for street improvements, when.

Proceedings thereunder.

separately each tract owned by a distant owner, mentioning the names of each owner so far as known, and therein fix a day, hour and place, when and where it will apply to the county judge, or one of the justices of the peace of said city, for the appointment of a jury to appraise and condemn the same. The provisions herein contained authorizing the city to take such property by purchase or donation from the owner, shall not be construed as requiring an effort on the part of the council to so obtain the lands, but the council may proceed in the first instance to condemn the same.

Owners to be notified that city has made application to condemn lands for public use.

SECTION 2. It shall thereupon cause to be made by the clerk a notice of the adoption of such resolution, embracing a copy thereof and notifying all parties interested, that the council will, at the time and place named, apply to the judge or justice named for appointment of a jury, to determine the necessity of taking such lands, and the compensation to be paid therefor. A copy of such notice shall be served on the owner of each such parcel of land to be taken, residing within the state, and upon each person having an interest therein, by lien or otherwise, in the manner that a summons in an action in the circuit court is required to be served, and proof of such service shall be made in the same manner as of the service of a summons in the circuit court, and shall be *prima facie* evidence of the facts therein stated. If the notice cannot be so given as to all the parcels, then the same shall be also published once in the official paper, and the affidavit of the printer or foreman of such newspaper shall be *prima facie* evidence of such publication. Such notice shall be so served or published, at least five days prior to the time for such application. If any such owner be a minor or of unsound mind, the judge or justice before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to such person to the satisfaction of the magistrate, and act for such person.

Notice, how served.

Selection of jury to view lands and appraise damages, when and how made.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of such notice, as provided in the last section, shall be filed with the judge or

justice, who shall thereupon make a list of twenty-four disinterested freeholders of said city. He shall hear and decide any challenge for cause or favor made to anyone, and if sustained shall replace his name with an unobjectionable juror until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the common council, by its representatives on the one side, and the owners of land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice, on the other, shall challenge six names, one at a time, alternately, the council beginning. To the twelve jurors remaining, such judge or justice shall issue a precept requiring them all at any hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the chief of police of said city, or sheriff of the county, at least one day before such appointed time, by reading the same to each juror, or by leaving a copy thereof at his usual place of abode, in the presence of a member of his family.

Vacancies in jury to be filled by appointment and endorsed on precept.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the judge or justice, or fail to attend, he shall appoint other jurors having the requisite qualifications, in their place, and such appointment shall be endorsed upon or annexed to the precept, and such person shall be forthwith summoned, and like proceedings shall be had until a jury is obtained. It shall be the duty of every person appointed as such juror to act, unless excused for reasonable cause by the judge or justice appointing him, and every person summoned to serve on such jury who shall, without being so excused, neglect to serve, shall forfeit and pay the sum of fifty dollars; no person shall be compelled to serve upon such jury more than once during the same calendar year.

Jurors to take oath. Form of.

SECTION 5. Each of said jurors shall then, and before entering upon the discharge of their duties, severally take and subscribe an oath to be endorsed upon, or annexed to, such precept, to be

administered by said judge or justice: "That he is a resident and freeholder within said city, and is not interested in the premises proposed to be taken; that he will well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully and impartially discharge his duties as a juror according to law."

Proceedings to continue without adjournment.

SECTION 6. From the time fixed in the precept for the meeting of the jury, the proceedings shall be continued before such judge or justice without adjournment, except from day to day, as necessity shall require, until a jury is appointed and qualified and a verdict rendered.

Jury to separately appraise damages and deduct benefits if deciding upon the necessity to take lands. Right to appeal.

SECTION 7. Under the direction of such magistrate, the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be provided by any party, and for such purpose, such magistrate shall possess the same powers as a court in session with a jury, and if there be a necessity, may adjourn the sitting from day to day. Such magistrate shall decide all questions upon the admissibility of evidence. The jury shall render a separate unanimous verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof, for such purpose, describing such as they find necessary to be taken. If any be found necessary to be taken, then they shall render a verdict or appraisement of damages, specifying therein the damages of each owner, stating separately the value of the land taken from each, and the damages otherwise sustained by each by reason of the taking thereof, and from such last named sum they shall deduct any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisal of damages, and shall sign the same. If the land be subject to lease, contract, mortgage or judgment, or there be any estate therein less than an estate in fee, or the buildings thereon belong to some person other than the owner of the land, the person claiming such interest may file with the magistrate a notice in writing specifying the interest claimed, and the jury in such verdict may award to such

person the damages which his interest in such lands sustains by the taking thereof, and deduct the same from their award to the owner; and any person filing such notice shall have the same right of appeal as is given to the owner, and in case of failure to appeal shall likewise be concluded by the verdict. Any technical error in such verdict may be immediately corrected with the assent of the jury. The verdict shall be filed by the magistrate. In case the jury shall fail to find a verdict, the council may upon the same petition, proceed to obtain the appointment of another jury in like manner. The testimony need not be reduced to writing, but the magistrate shall indorse upon the verdict the time of filing the same

Jury to determine what proportion of damages awarded to be assessed as benefits.

SECTION 3. After the filing of such verdict, if it shall appear therefrom that any damages have been awarded, such jury shall again view the said premises, under the direction of the magistrate, and shall then sit before him to hear such competent evidence relative to any special benefits that may accrue from such improvements to any other tract of land in the same manner as provided in the next preceding section. The city on the one hand, and any tax payer or property owner on the other, shall have a right to be heard thereon. The jury shall thereupon consider and determine what proportion of the whole award of damages, as found by their verdict provided for in the preceding section, should be assessed upon the property, if any, specially benefited by such improvements, and shall then apportion and assess the same upon the lands and premises by them deemed specially benefited in proportion to the benefits received, and shall make a verdict specifying the proportion of damages to be so assessed, and the particular lot or tract of land determined to be benefited, and the amounts of such benefits accruing to each shall be set opposite thereto; and a majority of such jury may render such verdict determining the propertion of damages to be specially assessed as benefits, and upon what parcels of land, and the amount of each, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and their verdict shall be filed by the magistrate, and

he shall endorse thereon the time of filing the same. The jury shall then be discharged. Any lot owner against whom any such assessment is made may appeal from the verdict, as hereinafter provided.

Buildings on land to be valued by jury. Sale of building, when.

SECTION 9. If there should be any building standing, in whole or in part, upon the lands to be taken, the jury shall also, in making their verdict of damages, find and determine, first, the whole value of such building to the owner, aside from the value of the land, and secondly, the value of such building to remove, and shall state such determination in their verdict, and in such cases the award of damages shall be the value of the land taken and the damage to the owner by the taking, over and above such value less any special benefits, as provided in the second preceding section, together with the value of such building to the owner, less its value to remove. The owner of such building may, within ten days after the filing of such verdict, file with such magistrate a notice in writing, that he elects to take such building at the value thereof to remove, as fixed by the jury, and he shall have such reasonable time to remove it as the council shall allow. But if such owner shall neglect to file such notice within the time aforesaid, and to remove such building within the time allowed by the council, the council shall order such building to be sold at public or private sale, in their discretion, and shall direct by whom the sale shall be made. In case of public sale they shall prescribe the time and manner of giving notice, and the proceeds shall be paid to the owner or deposited with the city treasurer, and be subject to his order.

Appeals from award may be taken by city or owner within ten days. Notice of appeal.

SECTION 10. Within ten days after such verdict any land owner whose land has been found necessary to be taken or against whose land any assessment has been made, may appeal from the award of damages to him, or assessment of benefits, in such verdict, to the circuit court of said county, and the council may likewise appeal from the award of damages to any owner. The party appealing shall file with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or assessment against him, or any part, and if a part, what part, and therewith an undertaking with two suffi-

cient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal; and, at the time of filing such notice of appeal and undertaking shall pay the magistrate for his return to such appeal. Any person not so appealing shall be forever concluded by such verdict, appraisement of damages or assessment of benefits. The appeal herein provided for shall be the only remedy for damages sustained by the acts or proceedings of the said city, or its officers, in the matters which such verdict should cover and no action at law or in equity shall be had or maintained for or on account of such acts or proceedings. Upon an appeal being taken, the magistrate shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking and thereto annex a copy of all the papers in the proceedings, with his certificate thereof, and he shall, after the time for appealing expires, file with the city clerk annexed together, all the original papers, including the verdict, with a certificate that no appeal has been taken, except as the fact is, which he shall briefly specify, and the clerk shall record all such papers.

Trial upon appeal.

SECTION 11. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff and the city as defendant, and be subject to a change of place of trial and appeal to the supreme court as other actions. The appeal shall be tried by a jury, unless waived, and costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise, against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Lands not to be taken until damages awarded owner are paid or tendered.

SECTION 12. If the verdict of the jury find it necessary to take such lands, or any part thereof, the council may upon return thereof to the clerk, enact an ordinance according thereto, for laying out, changing, widening, or extending and opening such street, lane, alley, public grounds, square, or other public place; or constructing, opening, altering, enlarging or straightening any such drain, canal, sewer or water course; but shall not appropriate the land until the damages awarded the owner or other party interested, be paid or

tendered him, or the amount thereof be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him to be deposited with the city clerk to permanently remain subject to his order at any time, before causing any such land to be actually taken for such purpose and before the rendition of any judgment in the circuit court for damages, the council may discontinue all proceedings therefor taken, and the city shall in that event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when they recover costs in the circuit or supreme court.

Levy of assessment for benefits awarded, when.

SECTION 13. Upon the filing with the city clerk of the verdict and other proceedings mentioned in these sections, the council shall proceed to levy and assess upon each tract of land mentioned in the verdict of the jury against which any assessment of benefits has been made, the amount assessed thereon by the jury as a special tax and the same shall be inserted in the tax roll next made out thereafter and collected as other taxes.

Judgment upon appeal.

SECTION 14. If, on the appeal by any person against whom such assessment is made, judgment is rendered in favor of the appellant, such judgment shall be for the difference between the assessment and the amount determined to be justly chargeable against the property affected by such appeal on the trial in the circuit court.

Compensation of jurors.

SECTION 15. The said jurors shall each receive as compensation for his services on such jury, two dollars for each day's service on such jury.

Council may declare necessity to take lands for public purposes, how. Proceedings thereunder.

SECTION 16. Whenever the said common council, with the concurrence of three-fourths of the aldermen elected thereto, shall declare by their resolution, that it is necessary for the public interest to open a public street, or alley, or take land for any public purpose authorized by this act, the said common council shall have power to open such public street or alley, or take land for such public purpose, as the case may be, without any petition therefor and to proceed thereafter in that behalf, as in case of petition therefor, duly made; provided, that in case of streets and alleys, such resolution shall also be approved by the aldermen of the ward in which the land proposed to be taken may be situated. The resolution provided for in this section shall declare why it is necessary

for the public interest so to proceed; and no such resolution shall be passed by the common council at the same meeting in which it is first considered, but the same shall lie over to a future meeting, and the yeas and nays on the passage of such resolution shall be taken and duly entered in the journal of proceedings of the council.

Vacation of street or alley, how.

SECTION 17. Upon the petition, in writing, of all the owners of lots or lands or any street or alley, and not otherwise, the council may vacate any street or alley, or any part thereof. At least ten days before acting on such petitions, the council shall cause the same to be published in the official paper of said city, with the notice of the time the same will be acted upon; and the votes of all the aldermen entitled to seats in the council shall be necessary to pass any ordinance or resolution vacating a street, lane or alley, or any part thereof.

Continuation or opening of street through private lands on owner's consent.

SECTION 18. Whenever the owner or owners of any land in said city shall desire the continuation of a street or alley, or highway or a new street or alley through or over the same, and shall have filed his or their written consent thereto, and shall waive all damages therefor, specifying the width, course and termination of such street, with the clerk of said city, the common council may by resolution, lay out, establish and name, and open said street or alley in accordance with said consent, and said street or alley shall thereafter be subjected to all laws and ordinances of said city applicable to streets and alleys.

Removal of encroachment upon street upon complaint.

SECTION 19. Whenever complaint shall be made to the common council that any highway, street, or alley in said city has been or shall be encroached upon by any fence, building, or any other fixture, the said council may, by resolution, require and direct the removal of said encroachment and thereupon the mayor of said city shall make an order under his hand requiring the occupant of the land through or by which such highway, street or alley runs, and to which such fence, building or other fixture shall be appurtenant, to remove the same beyond the limits of such highway, street or alley, within twenty days thereafter and he shall cause a copy of such order to be served upon such occupant, and every such order shall specify the width of such highway, street or alley, the extent of the encroachment, and

place or places in which the same may be with reasonable certainty.

Penalty for failure to remove encroachment after notice.

SECTION 20. If the fence, building or other fixtures causing such encroachment shall not be removed within said twenty days after the service of such order, and such occupant shall not have denied such encroachment as provided in the next succeeding section herein, such occupant shall forfeit the sum of one dollar for every day after the expiration of said time during which such encroachment shall continue; and in such case if such encroachment shall not be removed within thirty days after the service of such copy, in addition to the collection of such penalty or forfeiture, the common council may, by resolution, authorize and direct the superintendent of streets of said city to forthwith remove such encroachment or encroachments; and it shall thereupon be lawful for and the duty of said superintendent of streets, without delay, to remove or cause to be removed such fence, building or other fixture, beyond the limits of such highway, street or alley as specified in the order mentioned in the next preceding section.

Proceedings when occupant serves notice denying encroachment.

SECTION 21. If the occupant upon whom a copy of such order shall be served shall, whithin ten days after the service thereof in writing, deny such encroachment, and file the same or a copy thereof with the city clerk, the said clerk shall thereupon make out and serve upon such occupant a notice at a time and place therein named, to be not less than twenty-four hours after said service, application will be made to a justice of the peace of said city, to be named therein for the selection of six disinterested freeholders of said city, to inquire into the premises at the time and place therein designated; the said justice shall make out a list of eighteen disinterested freeholders of said city, from which six shall be selected and struck in the same manner that juries are selected and struck in justices' courts; the said justice shall thereupon issue his precept directed to the chief of police, deputy sheriff, or any constable of the county, commanding him to summon the six freeholders thus selected to meet at a certain day and place not less than two days after the issuing thereof, to enquire into said alleged encroachment, and should

either party not be present at the selection of said jury, said constable shall give such absent party at least one day's notice of the time and place at which such freeholders are to meet.

Jury to determine whether any encroachment has been made.

SECTION 22. On the day specified in the precept the jury so summoned shall be sworn by such justice well and truly to inquire, whether any encroachment has been made, as described in the order of said mayor, and by whom; and the witnesses produced by either party shall be sworn by the justice and the jury shall hear the proofs and allegations which may be produced and submitted to them, and in case any person so summoned as juror shall not appear, or shall be incompetent; his place may be supplied by a talesman as in other cases.

Encroachment, upon finding of jury to be removed when.

SECTION 23. If the jury find that any such encroachment has been made, they shall make and subscribe a certificate in writing of the particulars and extent of such encroachment and by whom made, and shall file the same in the office of the city clerk; and the occupant of the land, whether such encroachment shall have been made by him or by any other person, shall remove the fence, building or other fixtures causing such encroachment within twenty days after the filing of such certificate, and in default of such removal shall forfeit and pay a penalty of one dollar for each day after the expiration of said time, in addition to the recovery of said penalty; the common council may proceed to cause such encroachment to be removed, as provided in section 20 of this chapter. Any person who shall replace any encroachment, after the same shall have been removed by the officers of the city, as provided in this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court.

Justice may issue execution for costs, when.

SECTION 24. If the jury find that any encroachment has been made as aforesaid, the occupant shall pay the cost of such inquiry, and if the same shall not be paid in ten days the justice shall issue an execution for the collection thereof, directed to the chief of police of the city, sheriff or deputy sheriff, or any constable of the county,

commanding him to levy such costs and his fees thereon, of the goods and chattels of such delinquent, and make return thereof to such justice within thirty days from its date, and the justice, constables, jurors and witnesses shall be entitled to the same compensation as other similar services in trials before justices of the peace.

City liable for costs, when.

SECTION 25. If the jury find that no encroachment has been made they shall so certify, in which case, the city shall be liable to pay the costs of the proceedings including the fees of witnesses of said occupant, who shall have been sworn in said matter, and the common council shall allow the same as other accounts against said city.

How allowed.

Lands subdivided or donated to city to be platted to conform to adjacent property.

SECTION 26. In all cases where lands in the city shall be subdivided in lots and blocks, or where streets, alleys, or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council of said city for their approval; and if such plat or map shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same and evidence of such approval in the manner prescribed in the revised statutes of this state concerning town plats; but except such plats shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk shall be affixed to said plat, it shall not be lawful for the register of deeds of Winnebago county to receive such plat or map for record, or to record the same, and the same shall have no validity, and the person or persons neglecting or refusing to comply with the requirements of this section shall forfeit and pay a sum not exceeding one hundred dollars.

Public streets and alleys, what to constitute.

SECTION 27. All streets and alleys which have been heretofore laid out, or which may be hereafter laid out by the common council or otherwise, and which shall have been opened and used or worked and improved for four years successively, shall be held to be public streets and alleys, and

no defect or irregularity in the proceeding of opening the same or in the direction thereof, shall affect the same.

CHAPTER X.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire-proof, shall not be erected, placed, raised, enlarged or repaired and to direct that all and any building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or re-building of wooden buildings within the fire limits whenever the same shall have been damaged to the extent of fifty *per cent.* of the value thereof; and to prescribe the manner of ascertaining such damages and to prevent and prohibit the moving of any wooden building into or within such limits; and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Fire-engines, etc., council to procure and have control of. Fire companies, organization and regulation of.

SECTION 2. The common council shall procure fire-engines and other apparatus used for the extinguishment of fires, and have charge and control of the same; and shall provide for and secure houses and other places for keeping the same, and shall have power to appoint a chief engineer, define his duties, fix his salary and remove him at pleasure; to organize fire, hook, and ladder and hose companies, and disband the same; to purchase horses and necessary apparatus and fuel for steam engines, and to provide for the appointment of a necessary number of competent persons to take the care and management of the steamers, engines, horses and other fire apparatus, to prescribe their duties and to summarily remove such persons at pleasure of the common council; to prescribe the duties of firemen and their compensation, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures upon them for a violation of the same. Every fire com-

pany organized by the common council shall not exceed for hand engines, forty able bodied men, and for steam engines twenty able bodied men, and for hook and ladder companies twenty-five able bodied men, between the ages of eighteen and fifty years, and they may elect their own officers not otherwise herein provided for and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from service on juries and from military duty, during the continuance of such membership, except in case of insurrection and invasion.

Penalty for failure to obey lawful order of officers at fires.

SECTION 3. Whenever any person shall refuse to obey any lawful order of the chief engineer, the mayor and aldermen, fire warden, chief of police, or any policeman at any fire, it shall be lawful for the officer giving any such order to arrest or direct orally any policeman, constable or any citizen to arrest any such person and to confine him temporarily in the police station until such fire shall be extinguished and in the same manner such officer or any of them may arrest or direct the arrest and confinement of any person at such fire who may be intoxicated or disorderly, and if any person shall refuse to arrest or aid in arresting any person who shall be intoxicated or disorderly, he shall be liable to such penalty as the common council shall prescribe, not exceeding twenty dollars.

Members of fire companies, who may be.

SECTION 4. Only actual residents and persons approved by the common council of the city of Menasha shall hereafter be admitted as a member of any company organized under this act. And upon removal from the city, of any member of any such company, and in case of his absence from the city for a space and term of two months at any one time, he shall immediately cease to be a member of his said company and of the fire department of the city of Menasha.

Expenses of fire department to be a city charge.

SECTION 5. All the expense of the fire department shall be hereafter a city charge, and the taxes therefor to be assessed and collected as other city taxes.

Reservoirs for water supply, city may construct by contract or otherwise.

SECTION 6. The common council may by contract or otherwise construct and maintain in said city, reservoirs to supply with water the city fire department by sinking artesian wells or foun-

tains, or may construct reservoirs to be filled in any other manner and may purchase lands upon which to sink wells and reservoirs, deeds to be given to the city of Menasha, and may sell and deed such property when a majority of said council may see fit. And the common council may pass all the necessary ordinances for the protection of same and prescribe penalties for the injury or destruction to any of said property.

Fire wardens.

SECTION 7. The common council shall appoint one fire warden for each ward who shall perform such duties as the common council may prescribe, and they may, at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting the same.

Treasurer of fire department.

SECTION 8. The treasurer of the fire department shall recive and pay out all moneys belonging to said department and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required with sureties to be approved by the common council. Such moneys only to be paid out on order signed by the chief engineer and countersigned by the clerk of said department.

Officers of fire company, elected when.

SECTION 9. There shall be elected by the members of each company aforesaid, annually at their annual meeting a clerk or secretary who shall, on or before the first Monday in May in each year return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep a record of members of fire companies.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, from any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the county clerk of the county of Winnebago a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or

which may hereafter be appointed for the annual meeting of the said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Percentage of fire insurance premiums to be paid city treasurer annually, when.

SECTION 11. There shall be paid to the treasurer of the city of Menasha for the benefit of the fire department of the city on or about the first day of February of each year, by every person who shall act in said city as agent for, or in behalf of any individual or association or associations of individuals, whether incorporated by the laws of this state, or by the laws of any other state, territory or country, to effect insurance against loss or injury by fire, the sum of two dollars upon each one hundred dollars, and at that rate upon the amount of all premiums which during the year or part of the year ending on the next preceding first day of January, shall have been received by such agent or person or company or by any other person or persons for him or it, which shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him, or such agent, or otherwise, or by such company against loss or injury by fire. No person shall, in said city of Menasha, as the agent or otherwise, for any individual or individuals, association or corporation, agree to effect or effect any insurance upon which the duty mentioned in the next preceding article, is required to be paid, or as agent or otherwise procure such insurance to be effected, unless he shall have first executed to said city of Menasha, and deposited with the clerk a bond, to be approved by the mayor of said city of Menasha, and deposited with the clerk of said city, the penal sum of three hundred dollars, with sureties thus approved by said mayor, conditioned that he will render to said clerk of the city, on or before the first day of February next, a just and true account, verified by oath, that the same is true and just of all premiums, which during the year ending on the first day of January, next preceding such report, shall have been received by him or by any other insurance against loss or injury by fire in said city, which shall have been effected or promised by him or agreed or promised by him to be effected for any individual or individuals, association or corporation, and that he will on such first day of

Bonds, agents of insurance companies to give.

February pay to the treasurer of said city of Menasha, for the use and benefit of the fire department two dollars upon every hundred dollars on premiums collected and at that rate upon the amount of such premiums; each and every such agent shall annually file such bond with said city clerk on the first secular day of January in each year; provided, that in lieu of an annual bond, any such agent may file a bond, with like conditions in the penal sum of one thousand dollars which shall be a continuing bond while such agent shall engage in the insurance business in said city, and any person who shall in said city effect, agree to effect, promise or procure any insurance specified in the preceding section, without having given such bond shall forfeit and pay for each offense and for each insurance so effected the sum of one hundred dollars, and such sum shall be recovered as other penalties or forfeitures accruing under this act; and said city may maintain an action on said bond, or against such agent, to recover all moneys required by the previous section of this act to be paid into the city treasury.

Penalty for paying insurance premium, when.

SECTION 12. Any person who shall pay any premium or agree to pay any premium for insurance on property within said city to any person, association or corporation, who shall not have filed the bond hereinbefore provided for, shall forfeit and pay three times the amount of the percentage upon such premium which should be paid into the treasury as aforesaid, to be recovered as other forfeitures under this act.

Volunteer and paid fire department, council may provide for.

SECTION 13. It shall be competent for the common council to provide by ordinance for the organization and management of volunteer fire companies, and to appropriate from the general fund such sums as shall be deemed requisite for the aid of such companies for procuring apparatus and outfit, and maintaining and housing the same, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section, and shall be competent for the said common council to provide for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and maintained at the sole expense of the city; and to provide for the appointment and com-

pensation of as many firemen as shall from time to time be necessary.

CHAPTER XI.

BOARD OF EDUCATION.

City to constitute a single school district.

SECTION 1. All territory within the present corporate limits of the city of Menasha, and all territory which may hereafter be attached to, and incorporated in the limits of said city shall constitute one school district for the better regulation and management of the public schools of said city.

Board of education, how constituted.

SECTION 2. The commissioners of common schools herein named, and the superintendent thereof, shall be styled the "Board of Education of the City of Menasha," a majority of whom shall constitute a quorum, and shall be a corporate body in relation to all powers and duties conferred on them by virtue of this act. The superintendent of schools in said city shall be *ex-officio* president of the board of education, and in case of a tie, shall be entitled to a casting vote. Said board of education shall appoint one of their number clerk, and fix his compensation, which shall not exceed fifty dollars per year, and who shall hold his office during the pleasure of said board. The said commissioners shall receive no compensation for their services.

Oath of office.

SECTION 3. The said superintendent of schools and the said commissioners of the common schools so elected as aforesaid, shall, within ten days after election, take the oath of office prescribed by the constitution of the state, and file the same with the city clerk.

Clerk's duties defined.

SECTION 4. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or transcript thereof, certified by the superintendent and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth, and such records and all the books and accounts of said board shall at all times be subject to inspection of the city council, and of any committee thereof.

SECTION 5. The city council of said city shall have power, and it shall be their duty to raise from time to time, by tax upon real and personal estate in said city, which shall be liable to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for the common schools in said city, such sums as may be determined and certified by said board of education to be necessary or proper for any or all the following purposes:

School purposes, council may levy taxes for enumerated sites.

1. To purchase, lease or improve sites for school houses.

Sites.

2. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out houses and appurtenances.

Buildings.

3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall be denied to the furnishing of class or text-books for any scholar whose parents or guardian shall be able to furnish the same.

Apparatus.

4. To procure fuel and defray the contingent expenses of the district library of said city.

Fuel and library.

5. To pay the wages of teachers due after the application of public moneys, which may by law be appropriated and provided for that purpose; provided, nevertheless, that no tax shall be levied for such purposes oftener than once in each year; and provided also, that the amount to be raised for teachers' wages, and for contingent expenses in any one year, shall in no case exceed four dollars for each person that draws public money, nor less than three dollars; that the amount to be raised in any one year for the repairing of school houses and the appurtenances shall not exceed one thousand dollars, and for buying sites and erecting new school houses, shall not exceed five thousand dollars, and all sums certified to the common council by the board of education, for repairs to school houses above one hundred dollars for any one school house, and all sums certified for the building of new school houses, and all sums certified for purchasing, changing, improving and repairing school apparatus and furniture and appendages exceeding one hundred dollars, shall be approved by a vote of a majority of the whole number of aldermen before any tax shall be levied for said repairs or

Teachers' wages; limitations on tax for various purposes.

for building said new school house or purchasing said apparatus or furniture.

School taxes, how levied and collected.

SECTION 6. The city council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property or capital of any kind within said city as is subject to taxation by the laws for levying taxes for the state for the time being, said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city.

All moneys to be paid to treasurer.

SECTION 7. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to, or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties of his official bond, shall be accountable therefor in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties as for any official misconduct in relation to the other moneys of said city.

Treasurer to pay out school moneys.

SECTION 8. The treasurer of said city shall not pay out any moneys in his hands, received by said city either as school moneys, or collected or received by him in any manner as school moneys, by virtue of any of the provisions of this act, except upon an order drawn upon him and signed by the superintendent and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution or majority vote of the said board.

Board may bring suit upon treasurer's bond, when.

SECTION 9. The said board may cause a suit or suits to be prosecuted in the name of the city of Menasha, upon the official bond of the treasurer or of any collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any moneys in this section mentioned.

Board of education; general powers enumerated.

SECTION 10. The said board shall have power, and it shall be their duty:

Organize schools.

1. To establish or organize such and so many schools in the several wards of the city, including the common schools now existing therein, as they shall deem requisite and expedient, and to alter and discontinue the same.

Purchase school houses.

2. To purchase or hire school houses and rooms, and lots and sites for school houses, and to fence and improve them, as they may deem proper; pro-

vided the amount necessary has been appropriated by the common council of the city.

3. Upon such lots and upon any site now owned by said city, to build, enlarge, alter, improve, and repair school houses as they may deem advisable. Build school houses.

4. To purchase, exchange, improve and repair school apparatus, furniture and appendages, and to provide fuel for the schools, and to pay their contingent expenses and the expenses of the district library. Purchase furniture.

5. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed. Custody of school houses.

6. To contract with and employ all teachers in the common schools, and the high schools, who shall have been licensed by the superintendent, and at their pleasure to remove them. Employ teachers.

7. To pay the wages of such teachers out of the school moneys, which shall be appropriated and provided in said city so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section five of this chapter, by tax upon the city. Pay teachers.

8. To defray the necessary contingent expenses of the board, including the salary of the clerk; provided, that the account of such expenses shall be first audited and allowed by the city council. Defray expenses.

9. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time, adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils, and their transfer from one school to another, and generally for their good order, propriety and public utility. Supervision of schools.

10. Whenever in the opinion of the board, it may be deemed advisable to sell any of the school houses, lots, or sites, or any of the school property now or hereafter belonging to the city to report and recommend the same to the city council. Sell school property.

Report ordinances.

11. To prepare and report to the city council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots and sites and appurtenances and all other property belonging to the city, connected with, or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and to certify to said city council the sums in their opinion necessary or proper to be raised under section 5 of this chapter, specifying the sums required for each of the purposes therein mentioned, and the reason therefor.

Adopt rules.

12. The said board shall adopt, and at their discretion modify or repeal by-laws, rules and regulations for their government, and for the organization, discipline and management of the public schools of said city, and generally adopt all such measures as shall promote the good order and public utility of said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and laws of this state.

Expenditures not to exceed appropriations.

SECTION 11. It shall be the duty of said board in all expenditures and contracts, to have reference to the amount of money that shall be subject to their order during the then current year, for the particular expenditure in question and not to exceed such amount.

Library trustees.

SECTION 12. The said board of education shall be the trustees of the district library in said city, and all the provisions of law which now are or may hereafter be passed relating to the district school libraries, shall apply to said board in the same manner as if they were trustees of any ordinary school district; they shall also be vested with the discretion as to the disposition of moneys appropriated by any law of the state, for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide library room and the necessary furniture therefor, and to appoint a librarian; to make all purchases of books for said library, and from time to time to exchange or cause to be repaired the damaged books belonging thereto.

Report receipts and disbursements, how.

SECTION 13. It shall be the duty of the said board at least fifteen days before the annual election for city officers in each year, to prepare and

report to the city council true and correct statements of the receipts and disbursements of moneys under and in pursuance of this act, during the preceding year, in which account shall be stated under appropriate heads:

1. The money received from the city council under the fifth section of this chapter.

2. The school moneys received by the treasurer of the city from the county treasurer.

3. Moneys received by direct tax.

4. All other moneys received by the treasurer subject to the order of the board, specifying the sources.

5. The manner in which sums of money shall have been expended, specifying the amount paid under each head of expenditures; and the city council shall ten days before such election, cause the same to be published in at least one of the newspapers published in said city, if there be one.

Board subject to state superintendent.

SECTION 14. The said board shall be subject from time to time, to the rules and regulations made by the state superintendent of the common schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

Superintendent; his powers and duties.

SECTION 15. The superintendent shall be the executive officer of the board of education, shall examine all teachers making application for schools (examination to be public and in presence of the board), shall grant certificates to such persons so examined, as shall be deemed by him and the majority of the board suitably qualified, and shall carry into effect the ordinances of the city council, and the rules and regulations of the board, in reference to the common schools; he shall also be especially charged with the care and custody of the several school houses of the city, and, under the direction of the board, shall superintend the building, enlarging, improving, furnishing and repairing of all of the school houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least twice during each term and report their condition to the board, with such suggestions for their improvement as he may deem proper; he shall also perform such other duties with respect to such

schools as the board may assign him. The amount of his compensation shall be determined by the city council and the manner of its payment.

Annual report to state superintendent; what to contain; when made.

SECTION 16. It shall be the duty of the superintendent, between the first and fifteenth days of October in each year, to make and transmit to the state superintendent of public instruction, a report in writing, bearing date on the first day of October in the year of the transmission, stating:

Number of schools.

1. The number of schools taught within the city, and the length of time they have been taught by qualified teachers.

Total amount of money.

2. The total amount of public money received for the use and benefit of such schools.

Number of children.

3. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years.

Manner of expenditures.

4. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause.

Amount of money raised for various purposes.

5. The amount of money raised in the city and paid for teachers' wages in addition to the public money raised therefor, the amount of taxes raised for the purchasing, repairing and insuring of school houses, for the purchase of school house sites, for building, hiring, for fuel, for district libraries, or for any purpose allowed by law, in said city since the date of the last preceding reports, with such other information as the state superintendent may from time to time require.

Board to fix tuition for non-resident children.

SECTION 17. The board may allow the children of all non-residents to attend any of the schools of said city upon such terms as said board by resolution shall prescribe, fixing the tuition therefor.

School of mixed grades.

SECTION 18. The board of education of said city shall establish and maintain a school of mixed grades. Said school shall be open to all persons of the school age residing in said city. The course of study for said school shall be such as shall be prescribed by the board of education of said city.

Title of school property vested in city.

SECTION 19. The title of all school houses, sites, and all school property shall be vested in the city of Menasha, and the same, while used for school purposes, shall not be subject to taxation for any purpose whatever, and shall be exempt from levy and sale on any warrant or execution. Whenever the board of education shall report to the

common council recommending the sale of any school houses, sites or property, the common council may dispose of the same, and direct the proper officers to execute a conveyance thereof; but no such sale or conveyance shall be made, except the board of education shall first report to such council, recommending such sale; and all the proceeds of any such sale shall be paid and kept by the city treasurer, and appropriated to the purchase of other school houses, sites, or for other school purposes, as the board of education shall direct.

Council may borrow money for school purposes.

SECTION 20. The common council shall have power to borrow from time to time such sum or sums of money, not exceeding fifteen thousand dollars in any one year, as the board of education shall recommend, and said common council shall deem necessary to be used by the board of education, under the direction of said council, in the purchase of lands for school house sites, and in the erection and construction or enlargement of school houses and buildings, and furnishing the same; and to issue bonds of the city or certificates of appropriation or indebtedness therefor, payable at such time or times as the common council may direct, not more than twenty years after date, and bearing interest at a rate not greater than five *per cent. per annum*, such bonds or certificates of appropriation or indebtedness to be signed by the mayor and countersigned by the city clerk, with the seal of the city attached; provided, however, the power herein given shall be exercised, subject to the limitation of municipal indebtedness prescribed by the constitution.

CHAPTER XII

OF PROSECUTIONS AND FINES.

Justices of the peace, their powers and duties.

SECTION 1. Justices of the peace elected under this act, in addition to the powers, duties and jurisdiction vested in, and required of them by the statutes and laws of the state of Wisconsin, shall have power to hear and determine all charges for offenses against any provision of this act, or any act amendatory thereof, and all charges for the violation of any ordinance, by-law, police or health

regulations made in pursuance of and by authority herein conferred.

Action to be commenced upon complaint.

SECTION 2. The city of Menasha in its corporate name may sue for and recover any and all fines, penalties and forfeitures under said city charter, and the acts amendatory thereof, or under the ordinances, by-laws, or police, or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding, and such action shall be commenced by complaint substantially in the following form:

Form of complaint.

State of Wisconsin,
Winnebago County, } ss.
City of Menasha.

...., being duly sworn, complains on oath to .... justice of the peace, of said city, that .... did on the .... day of ..... 18.., violate the .... section of an ordinance (by-law or resolution, describing it by its title), which said .... is now in force, as this complainant verily believes, and prays that said .... may be arrested and held to answer to the said city of Menasha therefor.

Subscribed and sworn to before me this .... day of ....., 18..

....

Warrant to be issued upon filing of complaint.

SECTION 3. It shall be sufficient to give the number of the section or sections and the title of the ordinance, by-laws, regulation or resolutions, or of the laws violated in such complaint and said complaint may be sworn to before any officer authorized to administer oaths in the courts of this state. Upon the filing of such complaint in the office of any justice of the peace of said city, he shall issue a warrant thereon substantially as follows:

Form of warrant.

State of Wisconsin,
Winnebago County, } ss.
City of Menasha,

To the sheriff or any constable of said county, and to the chief of police of the city of Menasha, greeting:

Whereas ..... has this day complained to me in writing, on oath, that ..... did on the ..... day of ....., 18..., violate the ..... section or sections of an ordi-

nance, by-law, regulation or law (describing it by its title) which said .... is now in force and effect, as said complainant verily believes.

Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of said ..... and him forthwith bring before me, a justice of the peace of said city, to answer to said city of Menasha, on the complaint aforesaid.

Given under my hand, this ..... day of ..... ., 18...

.....
Justice of the Peace.

Justice may require defendant to recognize with security.

SECTION 4. Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with security, for his appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Winnebago county. The complaint made as aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put in issue all subject matter which pertains to the defense of the action.

Printed copy of ordinance to be prima facie evidence. Right of trial by jury.

SECTION 5. A printed copy of an ordinance, by law or resolution passed by the city council and published in a newspaper or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined, and before the commencement of the trial thereof, either party may demand that the case may be tried by a jury of six men. Upon such demand of a jury, the justice shall direct a proper officer to write down the names of eighteen persons of the county qualified to serve as jurors in courts of record, subject to like qualifications. From such list of names, each party, commencing with the party demanding such jury, may strike alternately six names; and in case of absence of either party or his refusal to strike out, the justice shall appoint some person to strike out such names; parties may agree to try a cause with a less number of

jurors than six. The practice in the trial of causes before justices of the peace wherein the city of Menasha is plaintiff, shall be subject to all the rules of law and evidence applicable to those governing courts of justices of the peace under the general laws of the state of Wisconsin, unless otherwise herein provided. And either party may challenge jurors for causes known to law, and any such jurors excused for cause or for any other reason, may be supplied in the manner provided for in the laws of this state, applicable to the trial of causes in justices' court. And if no jury be demanded it shall be deemed a waiver of a jury trial. Each juror shall receive for his services one dollar per day, and the same fees for travel as allowed jurors in courts of record in this state.

Witness and juror fees need not be paid in advance. Executions upon judgment.

SECTION 6. Witnesses and jurors shall attend before the justice court in all city and criminal prosecutions, without the payment of fees in advance or a tender thereof, upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time shall fail to agree, they shall be discharged. And thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit; but if not guilty, the costs shall be taxed against the city. Executions issued upon judgment obtained for violation or non observance of ordinances or by-laws of the city, may contain a clause directing the imprisonment of the defendant in the common jail of Winnebago county for such a time as shall have been provided by the ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant, and all fines, penalties, and forfeitures when collected, shall be paid into the city treasury for the use of the city. The execution upon any judgment recovered in any such

action may also require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the common jail of the county of Winnebago for a term not exceeding ninety days, unless the judgment be sooner paid and the term of such imprisonment shall be inserted in the execution and commitment to perform hard labor during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the common jail of said county according to the terms of the execution.

Such execution may be in the following form:

Form of execution.

State of Wisconsin, }
Winnebago County, } ss.
City of Menasha. }

The state of Wisconsin to the sheriff or any constable of said county of Winnebago, the chief of police or any policeman of said city, to the keeper of the common jail of said county:

Whereas, the said city of Menasha, on the .... day of ..... 18.... received a judgment before the undersigned, a justice of the peace, in and for said city and county, against..... for the sum of .....dollars, together with ..... dollars costs of suit for violation of (here insert the number of section, chapter or title of the ordinance and offense set forth in the complaint) These are therefore in the name of the state of Wisconsin to command you to levy distress on the goods and chattels of the said ..... (excepting such as the law exempts), and make sale thereof according to law in such case made and provided, to the amount of said sums, together with your fees and twenty-five cents for this execution, and the same return to me within thirty days to be rendered to the city of Menasha, for said judgment and costs; and for want of such goods and chattels whereon to levy to take the body of the said ..... and him convey and deliver unto the keeper of the common jail, of said county, who is hereby commanded to receive and keep said ..... in safe custody in the common jail, and at hard labor for the term of ..... unless the aforesaid sum and all legal expenses be sooner paid and

satisfied, or until he be discharged thence, by due course of law.

Given under my hand, this ..... day of ....., 18..

.....
Justice of the Peace.

Form of commitment.

SECTION 7. The form of the commitment may be substantially the same as that of execution aforesaid, leaving out all that relates to the levy and sale and return of writ. The defendant in all city prosecutions under this act, may appeal to the county court of Winnebago county from any judgment rendered against him or her, if within twenty-four hours thereafter he file a notice of appeal, together with a bond in such sum as the justice may require, conditioned for his appearance at the next regular term of the county court of Winnebago county, which bond may be in the form now required of defendants on appeal in criminal cases before justices of the peace, under the laws of this state. Upon any appeal being taken and allowed, the justice of the peace shall stay all further proceedings in the case; and the defendant, if in custody, shall be discharged, and the justice of the peace shall within twenty days thereafter transmit the papers in the case so appealed with a transcript of his docket to the clerk of the county court.

Right of appeal to county court.

City to audit jail and officer's fees.

SECTION 8. The jail fees and officer's fees for commitments in prosecutions in behalf of the city, shall be audited and allowed by the city council, when the same cannot be collected of the defendant before his discharge, and said city council may by resolution direct the justice of the peace to discharge from the city jail any person confined for a judgment due said city; but such discharge shall not operate as a release of the judgment unless said city council shall so direct in their resolution.

Justice may order prisoner discharged, when. No execution to be issued against body of defendant after commitment.

SECTION 9. Upon filing a certified copy of such resolution attested by the clerk of the city council, the justice of the peace shall order such defendant discharged from custody, and make an entry of such discharge upon his docket; an execution may issue or be renewed by indorsements from time to time before or after the return day thereof, and before or after the commitment of the defendant until the judgment is satisfied or

released. But after the defendant shall have been committed no execution shall be issued against the body of the defendant, nor, if previously issued shall authorize the taking of the body of the defendant thereon. It shall be the duty of the chief of police, policemen and constables of the city of Menasha, and they are hereby authorized and required, to summarily arrest without warrant, and take before any justice of the peace, of said city, any person who shall be found within the corporate limits of said city in a state of intoxication; or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, by making any improper noise or disturbance, or indecent exposure of his person, or by firing guns, or fighting or threatening to fight, or in any other manner shall be engaged in violating any ordinance of said city made for the preservation of the peace and good order thereof, and said justice shall have power to hear, try and determine all such offenses. And any person convicted of any offense specified in this act where no other punishment is specified by law, or by any ordinance of said city, shall be punished by fine of not less than three dollars, nor more than fifty dollars, or by imprisonment in the county jail of Winnebago county not less than five days, nor more than ninety days in the discretion of the justice, and in all cases the justice shall impose the payment of the costs of prosecution upon the person so convicted as a part of the punishment, and in default of payment of any such fine or costs, the justice shall commit the defendant to such common jail for such number of days, not exceeding ninety nor less than five, as he may deem proper. But in case any person shall be committed for the non-payment of any such fine, or costs, he shall be discharged upon payment of the same, together with the costs and expense of his imprisonment to the sheriff or other officers having charge of such police station or common jail. Any officer making any arrest under the provisions of this act, may, if necessary, commit the person arrested to such police station without process, and such person shall be delivered up to such officer by the keeper of such police station on demand and without process; provided, that if such officer

Drunken person, police may arrest without warrant.

does not demand the person so committed within twenty-four hours (Sundays excepted) after such committal, the officer having charge of such prison shall discharge the person so arrested from confinement. All of the general provisions of the law concerning the trial of criminal offenses, the fees of the officers and proceedings in which upon trial, the justice finds he has not final jurisdiction of the case, shall govern trials under this act, unless otherwise provided in this act; provided; that in all convictions under this act where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinance of said city, the penalty as prescribed by such statute or ordinances shall be imposed upon the person so convicted. In all cases which by the provisions of this act, no other punishment is provided, the common council shall have power to pass ordinances, by-laws or regulations, and for the violation of which they may fix a penalty therefor which shall not exceed a fine of fifty dollars, or by imprisonment not exceeding ninety days for any one offense, and may also provide that in default of payment of any judgment rendered for such violation or omission, defendant may be imprisoned in the common jail of Winnebago county, not exceeding said ninety days.

General provisions of law regarding the trial for criminal offenses, fees, etc., to apply.

General laws of state to apply to all proceedings in justices' courts.

SECTION 10. All the general laws of the state of Wisconsin, relative to the proceedings in justices' courts in civil or criminal proceedings shall apply to the courts of such justices elected under this act, and all general provisions of law concerning the trial of criminal offenses, and the conducting of criminal prosecutions, appeals from the judgments of the justice, the fees of officers, and proceedings in which upon trial, the justice finds he has not final jurisdiction of the case, shall govern. When an act or omission declared to be an offense by the general laws of the state, is also made an offense by the provisions passed pursuant to this act, a conviction or an acquittal in a prosecution under the general law shall be a bar to a prosecution under this act or such ordinance. The person accused shall have the same right to a removal of the case for prejudice as provided by the

general laws of the state, except without the payment of fees for such removal.

SECTION 11. The city of Menasha shall be entitled to the use of the common jail of said county, for the commitment thereto, of any person found guilty of violating any of the ordinances, by-laws or resolutions of said city of Menasha under this act.

City to have use of county jail.

CHAPTER XIII.

BOARD OF HEALTH.

SECTION 1. It shall be the duty of the mayor of the city of Menasha to appoint annually, on the third Tuesday in April, or within one week after entering upon the duties of his office, a committee consisting of four aldermen, one from each ward, who shall be known as the board of health of said city, and whose duty it shall be to examine into and consider all measures necessary for the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Board of health, how constituted.

SECTION 2. Said board shall choose one of their members president, who shall preside at all meetings of said board and shall perform such other duties as are herein prescribed or may be required of him by any ordinance or resolution of the common council of said city.

President board of health.

SECTION 3. The clerk of said city shall be the clerk of said board, and shall keep a full record of all the acts, orders, resolutions, rules, regulations and proceedings of said board, in a book to be provided for that purpose, and copies of any such acts, orders, resolutions, rules, regulations and proceedings made from such record thereof, and certified by said clerk under the corporate seal of said city, shall be received as evidence in all courts and places

City clerk to be clerk of board.

SECTION 4. The common council shall have power to appoint, and at pleasure, to remove, a health officer for said city, to define his general duties, and in case of necessity, to provide for the necessary assistance to him, and to fix the compensation of such appointees and employes. The board shall have power to authorize such health

Council may appoint or remove members of board at pleasure.

officer to exercise any or all of the powers conferred on them, and all directions and orders of the health officer made under such authority of the board of health, shall have the same force and effect as if made by the said board.

Powers of board.

SECTION 5. The said board of health and health officer, or any person acting under their orders, shall have authority to enter into and examine at any time, all buildings, lots and places of all descriptions within the city for the purpose of ascertaining the condition thereof so far as the public health may be effected thereby.

Board to adopt measures for general health of city.

SECTION 6. The board of health shall give all such direcitons and adopt all such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of all nauseous substances producing a disrgreeable smell or tending to cause sickness or disease, as in their opinion shall be deemed necessary, and they may do or cause to be done whatever in their judgment shall be needful to carry out such measures. Every person who shall disobey any orders of the board of health which shall have been personally served upon him requiring him to abate or purify any premises owned or occupied by him in the manner or at the time described in the order, shall, on complaint of the board of health, or any member thereof, or any person serving such order before any justice of the peace of said city, be liable to arrest and summary trial and punishment by fine not less than ten dollars nor more than fifty dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Penalty for violation of.

Board may abate nuisances at expense of city, when.

SECTION 7. It shall be lawful for the board of health, in all cases where they may deem it necessary for the more speedy execution of their orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city, and also to cause any such nuisance or nuisances which may exist upon the property of non-resident owners or upon property, the owners of which cannot be found or are unknown and cannot be ascertained, to be abated or removed in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisance or nuisances in such cases shall

be a lien in the same manner as any tax upon real estate, upon the lots or premises from or upon which such nuisances shall be abated or removed; the board of health by their president shall certify to the city clerk the description of such property, and the cost of abating or removing such nuisance or nuisances thereon, and the city clerk shall insert the amount of such cost in the next tax roll of said city thereafter as a special tax to be collected, as other taxes in said roll are collected, and payment thereof may he enforced in like manner as other special taxes upon real estate are levied and collected in said city; provided, that the common council shall, from time to time, on application of said board of health, appropriate and set apart out of the general fund of said city, such means as the council in its discretion shall deem necessary for the purposes of this chapter; and the expenses which the said board are authorized by this section to incur, shall be paid exclusively out of the funds so provided by said city, and said board shall not be authorized to create any liability on the part of said city in excess of the sums which shall have been appropriated and set apart as aforesaid for their use.

Expense of to be a lien upon real estate.

SECTION 8. It shall be the duty of the board of health, by resolution, to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides, or skins of any kind, or any other articles found within said city, which in their opinion will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and they may employ such persons as they may deem proper to remove or destroy such articles, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than three dollars nor more than one hundred dollars, or imprisonment not exceeding three months, or both. It shall also be their duty to procure suitable places for the reception of persons sick from any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them the proper medical and other attendance and provisions, and to forbid and prevent any communication with any house or

Destruction of articles dangerous to public health. Penalty for interference.

family infected with any contagious disease except by physicians and nurses.

Discontinuance of business detrimental to public health.

SECTION 9. It shall be the duty of the board of health, on complaint being made to them, or whenever they shall deem any business, trade or profession, carried on by any person or persons, or corporation in the city of Menasha, detrimental to the public health, to notify such person or persons or corporation to show cause before the board of health, at a time and place specified in such notice, why such business, trade or profession should not be discontinued or removed, which notice shall not be less than three days (except that in case of epidemic or pestilence, the board of health may, by general order, direct a shorter notice, not less than twenty-four hours), and may be served by leaving the same at the place of business, or residence of the parties to be affected thereby. Cause may be shown by affidavit, and if, in the opinion of the board of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed the board shall order the said parties to discontinue or remove the same within such time as the board may deem reasonable and necessary, and the order of the board shall be final and conclusive.

Penalty for failure to obey lawful orders.

SECTION 10. Any person or persons failing or refusing to obey such lawful order of the board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten dollars, nor more than one hundred dollars, or by imprisonment of not more than three months, or by both such fine and imprisonment; and such person or persons shall be subject to like punishment for each and every day that he, she or they shall continue such business, trade or profession after the expiration of the time specified in the order of the board of health, for the discontinuance or removal of the same.

Ex-parte affidavit of service of notices to be prima facie evidence.

SECTION 11. In all trials for the violation of the provisions of this chapter, the *ex-parte* affidavit of service of any order, notice or requirement of said board of health, purporting to be made by the person who made such service, and stating the time, place and manner of service, shall be deemed and taken as *prima facie* evidence of the due ser-

vice of such order, notice or requirement, in all trials in any court.

SECTION 12. All fines mentioned in this chapter shall be collected as other fines, and when so collected shall be paid into the city treasury and credited to the contingent fund.

Fines to be paid into treasury.

SECTION 13. The board of health, during the prevalence of the Asiatic cholera, or of any epidemic disease, shall have power, when by them it is deemed necessary, to take possession of and occupy as temporary hospitals, any building or buildings in said city; but the city of Menasha shall pay for the use of such property so taken, a just compensation.

Special power during prevalence of epidemic disease.

SECTION 14 It shall be the duty of each and every practicing physician in the city of Menasha:

Requirement of physicians.

1. Whenever required by the board of health of said city to report to said board at such times and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease, attended by such physicians for the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease.

To report number attacked with pestilential disease.

2. To report in writing to said board of health every patient he shall have, laboring under any pestilential, contagious or infectious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease.

To report number having pestilential disease.

3. To report in writing to the board of health, when by them required, the death of any patient who shall have died of any disease within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

To report deaths from pestilential disease.

SECTION 15. Any practicing physician who shall neglect or refuse to perform the duties required of him by or in any section of this chapter, shall be considered guilty of misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense.

Penalty for failure of physician to report.

SECTION 16. The common council of said city shall, in making their annual estimates and levying for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and all other employes, which the said board of health are authorized to appoint by this chapter, and for all

Council to make annual appropriation for expenses of board of health.

other necessary expenses incurred by said board in the performance of the duties prescribed in this chapter and such expenses shall be audited and allowed and paid as other expenses of said city.

Council may prescribe additional duties.

SECTION 17. The common council of the city of Menasha shall have power to futher define the duties of the board of health, and to pass such ordinances in aid of the powers of the board of health as may tend to premote and secure the general health of the inhabitants of said city.

Police and civil officers to aid board of health.

SECTION 18. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers and all citizens of the state to aid, to the utmost of their power, the board of health and the officers mentioned in this chapter, in the performance of their respective duties, and on requisition of the president of said board of health officers, it shall be the duty of the police of said city to serve the notices of said board, and to perform such other duties as such board may require.

CHAPTER XIV.

BONDED INDEBTEDNESS.

Bonded indebtedness of town in aid of railways to be apportioned between town and city, how.

SECTION 1. The outstanding and existing indebtedness against the town of Menasha upon the unpaid bonds, with the coupons attached, heretofore issued by said town of Menasha to the Wisconsin Central railroad company and the Milwaukee & Northern railroad company, shall be apportioned between said town and city in the ratio of one-fourth to said town and three-fourths to said city, and shall be paid by said town and city in such *pro rata* shares; provided said city shall not be required to pay any portion of such bonded indebtedness where it has already provided and paid its *pro rata* share thereof, or to pay any larger proportion of said coupons so attached to said bonds than the proportion hereinabove named, and upon the payment of the same shall be discharged from any further liability or payment upon said coupons, and all sums heretofore paid by said city on said coupons shall be credited to said city in discharge of its obligations. And the said town and city of Menasha shall re-

spectively provide for the payment of, and pay their, and each of their, *pro rata* shares of such indebtedness as aforesaid, which remains unpaid, and a legal obligation upon said town and city to pay at all times, when and as the same shall become due and payable, and each one of said corporations, town and city, shall be liable to the other for all costs and damages incurred by either one, in consequence of the failure of the other corporation to provide for and pay its *pro rata* share of indebtedness as aforesaid.

Penalty for failure of town to pay its pro rata share of bonded indebtedness.

SECTION 2. If said town of Menasha shall fail to provide for, and pay its *pro rata* share of any of the aforesaid bonded indebtedness, for any cause whatever, and the said city of Menasha shall have provided for, or shall provide for, and be ready and willing to pay its *pro rata* share of such indebtedness, the said town of Menasha shall be liable to the city of Menasha for all costs and damages which it may sustain by reason of the non-payment by said town of its share of such indebtedness, and shall, alone defend any and all suits, actions or proceedings that may be instituted in any court against said town as sole defendant, or against said town and city as joint defendants, or against said city as sole defendant, to enforce payment of the same, and shall save said city harmless from any and all costs, damages and judgments, and from the payment of any sum whatever, arising or growing out of the same.

Penalty for failure of city to pay its pro rata share of indebtedness.

SECTION 3. If the said city of Menesha, shall fail to provide for and pay its *pro rata* share of any of the aforesaid bonded indebtedness, for any cause whatever, and the said town of Menasha shall have provided for, or paid, or shall provide for, and be ready and willing to pay its *pro rata* share of such indebtedness, the said city of Menasha shall be liable to the town of Menesha for all costs and damages which it may sustain by reason of the non payment by said city of its *pro rata* share of such indebtedness and shall alone defend any and all suits, actions or proceedings that may be instituted in any court against said town as sole defendant, or against said town and city as joint defendants, to enforce payment of the same and shall save said town harmless from any and all costs and

shall possess the same powers and rights in collecting such taxes so returned as in other cases, and shall proceed to advertise and sell all lands on which such taxes shall remain unpaid, at the same time, and in the same manner, and with the same effect, as provided by law for the sale of lands for taxes, and all such taxes returned to the county treasurer and collected by him, shall be by him paid over to the treasurer of said city with the interest collected thereon.

Council may by resolution adopted by a majority of all the members levy special taxes.

SECTION 6. The common council of said city, may, by resolution, passed by a majority of all the members of said council, assess and levy said special taxes at the same time and in the same manner as other annual city, school, state and county taxes are assessed and levied, and determine that said special taxes shall be inserted for collection in the annual tax roll of said city as other taxes. And upon the passage of said resolution, the city clerk shall make out and calculate said special taxes and insert the same in a separate column, in said annual tax roll for collection, to be collected at the same time and in the same manner as other taxes in said roll. All the laws of the state, relative to the collection and return of taxes, and the sale of lands for the non payment of the same, shall govern and apply to the collection and return of said special taxes and the sale of lands for the non-payment of the same, as herein provided for.

City not to be liable upon bonded indebtedness, when.

SECTION 7. Nothing herein contained shall render said city of Menasha liable upon any such bonded indebtedness, either principal or interest, where it has already paid its *pro rata* share of such indebtedness, and no action thereon shall be commenced or maintained against said city of Menasha, but provided that this act shall not effect any suit commenced or pending by the town of Menasha against any of the holders of such bonded indebtedness, to determine its validity, but said city of Menasha shall not be liable for any cost therein, when it shall have provided, taken up, or paid its *pro rata* share of such indebtedness.

CHAPTER XV.

MISCELLANEOUS PROVISIONS.

SECTION 1. No person shall be an incompetent judge, justice, witness or juror by reason of his being a resident or freeholder of the city of Menasha, in any proceeding or action in which the city shall be a party in interest.

Resident or freeholder not incompetent judge, justice, etc.

SECTION 2. All ordinances, by-laws, rules or regulations now in force in the city of Menasha, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council after this act shall take effect.

Ordinances, etc., heretofore passed to remain in force, when.

SECTION 3. All property, real or personal, now or at any time hereafter belonging to said city, or to either of the wards thereof, or any department thereof, shall be exempt from levy and sale under, and by virtue of any execution; nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation thereof, be levied on or sold under, or by virtue of, any execution issued to satisfy or collect any debt, obligation or contract of said city.

City, ward and property of individuals exempt from execution issued to satisfy obligation of city.

SECTION 4. The said city may lease, purchase and hold real or personal estate, sufficient for the public use, convenient or for necessities of said city, and may improve, sell and convey the same. All property, real and personal or mixed belonging to the city of Menasha, shall be and continue to be, vested in the corporation created by this act.

City may purchase, lease or hold real or personal estate.

SECTION 5. No general laws of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

General laws contravening act not to repeal.

SECTION 6. Chapter 127 of the general laws of the state of Wisconsin, for the year 1874, and the several acts amendatory thereof, and all acts and parts of acts relating to the government of said city, inconsistent with or contravening the provisions of this act are hereby repealed; provided, the repeal of said acts shall not revive any acts or parts of acts heretofore repealed, and shall not in any manner affect, injure or invalidate any con-

Chapter 127, laws of 1874, and acts amendatory contravening this act repealed.

tracts, grants, license or right accrued or established in favor of, or against said city, or any proceeding suit or prosecution had or commenced in any civil case previous to the time when such repeal shall take effect; but every such act, right, grant, license or proceeding shall remain as valid and effectual as if the provisions so repealed had remained in force; but the subsequent proceedings shall conform to the provisions of this act when applicable.

Penalties and forfeitures how affected by repeal.

SECTION 7. No offense committed and no penalty or forfeiture incurred, previous to the time when any of the acts aforesaid shall be repealed, shall be affected by such repeal except that when any punishment, forfeiture or penalty, shall have been mitigated by the provisions of this act, the provisions of this act shall apply to, and control any judgment to be pronounced after this act shall take effect for any offense committed before that time.

Failure to hold election or organize council not to affect coporation.

SECTION 8. If any election by the people or common council shall, for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize, as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had at any subsequent day, by order of the common council, and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

City to have exclusive jurisdiction of Fox river within corporate limits.

SECTION 9. All that part of the Fox river within the limits of said city, shall be kept under the exclusive jurisdiction of said city, and the common council of said city are hereby empowered to build and construct or cause to be built and constructed new bridges over said river at such point or points as they may deem necessary and for the best interests of the city, and to maintain and support all such bridges which the city may own now or may build hereafter at the expense of said city.

City and ward officers, terms of.

SECTION 10. All city and ward officers, elective and appointive, shall hold their respective offices for the term for which they shall have been re-

spectively elected or appointed unless they shall be sooner removed as provided in this act or a vacancy has otherwise occurred, and until their successors shall be elected or appointed and qualified.

General laws for preservation of bridges to apply.

SECTION 11. The general laws for the preservation of bridges and the punishment by such laws provided for the willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws and ordinances, as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of such bridges, by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against under the law to provide for the collection of demands against boats or vessels.

Service in suits against city, how made.

SECTION 12. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by ordinances or resolutions of said council may be in such case provided.

Survey and plats of city, who to make.

SECTION 13. The common council of said city may, at any time appoint four commissioners, one from each ward, who, with the assistance of the city surveyor, or such other assistant surveyors as the council may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and shall cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified by the said mayor and commissioners, which shall be filed in the office of the city clerk, and a copy thereof shall be recorded in the office of the register of deeds of Winnebago county.

Survey and landmarks to be prima facie evidence.

SECTION 14. The survey and land marks so made and established shall be *prima facie* evi-

dence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy, in all courts of this state.

Deeds and leases, how drawn.

SECTION 15. When the city of Menasha shall deed or lease any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Menasha, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases, mayor to execute, when.

SECTION 16. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution, for that purpose, describing the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate, or interest therein belonging to the said city; the said deed or lease shall be signed by the mayor of said city, and countersigned by the clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and leases.

Attested copy of ordinance or resolution to be attached.

SECTION 17. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said lease or deed, and such copy so attached and recorded, shall be, in all courts of this state, *prima facie* evidence of the authority of such mayor to make and execute such deed or lease.

Council may forbid the selling of intoxicating liquors to certain persons, when.

SECTION 18. The common council by resolution may forbid any and all persons in said city, who are or may be licensed to sell strong, spirituous, ardent or intoxicating liquors, from selling or giving to any person, naming him, who in the opinion of the council is drinking or using spirituous, ardent or intoxicating liquors to such excess as to make or render such person disorderly or liable to be disorderly; and if any person licensed as aforesaid, shall sell or give to any such person, any strong, ardent or spirituous liquors, or allow any other person or persons on his premises to sell or give to such person, or to any other person for him, any spirituous, ardent or intoxicating liquors of any kind whatever, the council may declare the license of such licensed person forfeited, and such person, or any other person who shall

give, sell, buy or procure for such person any strong, ardent or spirituous liquors or beer, shall be liable to a penalty of twenty-five dollars, which shall be sued for and recovered, with costs, of such persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for the violation of city ordinances hereinbefore provided in this chapter.

Council may cause act, and other acts affecting city, etc., to be published.

SECTION 19. The common council of the city of Menasha is hereby authorized to cause this act, together with any other acts or parts of acts of the legislature of Wisconsin relating to or affecting said city, and also any ordinances, by laws, resolutions, rules or regulations of said city or any of its departments, and any other acts, resolutions, contracts or other documents relating to or affecting said city to be printed or published in book or pamphlet form, and the same shall be admitted and may be read in evidence in all courts in legal proceedings, from such printed books, so published by order of said common council, and such books shall be deemed *prima facie* evidence of the contents and due passage, and shall be sufficient publication of all such acts or ordinances, by-laws, rules, resolutions or regulations.

Clerk to advertise for proposals for printing, when.

SECTION 20. The common council shall, at the first regular meeting of the new council in each year, or as soon thereafter as may be, order the city clerk to advertise for proposals for all the printing and publication necessary to be done by the city, except as otherwise provided herein, and said printing and publication shall be let to the lowest bidder, who shall be styled the city printer; provided, that said printing shall be let to the printer of some newspaper published in the city. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of said city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. In letting the city printing the common council shall have the right to reject any and all bids.

Board of review, how composed.

SECTION 21. The board of review shall meet at the office of the common council on the fourth Monday of June, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards of review are required to proceed so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards of the city. The mayor shall be president of the board of review, and the city, clerk the clerk thereof.

Completion of assessment roll, notice of, how given.

SECTION 22. When the assessment roll shall be completed, the assessors shall give one week's notice in the official paper, if there be one, if not, in some paper published in said city, and shall fix a time and convenient place where they will hear any objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or reductions as justice or equity shall require; provided, the time of hearing of such objections shall not be more than one week from the expiration of such notice.

Officers to take and file oath of office before entering upon duty.

SECTION 23. Any person appointed or elected for, or to any of the offices under this act, before entering upon the duties thereof, shall subscribe, take and file with the city clerk, an oath that he will honestly and faithfully discharge the duties of his office, and all the officers so elected or appointed except mayor, aldermen, city attorney, fire warden, firemen, and assessors, shall give bond or bonds to the city of Menasha, in such penal sum, with such conditions, such surety, and qualifications as the common council may require, to be approved by the council. The council may from time to time require new, further or additional bonds from any such officer, and upon his neglect to give same, may remove him from office; provided, that the city treasurer shall not be deemed to have qualified until he shall have given a bond to the city, approved by the council. All officers shall qualify within ten days after notice of their election or appointment.

Taxes to be levied to take up certificates of appropriation, etc.

SECTION 24. It is hereby made the duty of the common council of the city of Menasha, to assess, levy and collect all taxes necessary to take up and pay all certificates of appropriation or interest bearing orders outstanding against the city, issued by the city, to take up bonded indebted-

ness in bonds issued by the town of Menasha, to the Wisconsin Central Railroad company, and the Milwaukee & Northern Railroad company; as the said orders become due also to assess and levy and collect all taxes necessary to pay all other legal and existing indebtedness against said city, as the same becomes due.

Special elections to fill vacancies.

SECTION 25. Whenever a vacancy shall occur in the office of mayor, any alderman or justice of the peace, it shall be the duty of the common council, within ten days after such vacancy shall occur, to order a special election to fill said vacancy.

Failure to qualify within time limited to vacate office.

SECTION 26. All city and ward officers, elected and appointed, shall qualify as provided in this act, within ten days after notice of their election or appointment, and whenever any officer shall fail to qualify as herein provided, his office shall be declared vacant.

City may acquire, purchase and hold lands for cemetery purposes.

SECTION 27. The city may acquire, purchase, hold and own lands for cemeteries or burial places for the interment of the dead either within or without the limits of said city, as the common council may deem necessary for the public welfare and suitable for the convenience of the inhabitants; and may prohibit the interment of the dead within said city, or may limit such interment to such cemeteries or burial places as the council may prescribe; and the council may require and cause any bodies buried within the city to be taken up and buried elsewhere.

Council may provide for the regulation and improvement of cemeteries.

SECTION 28. The common council of said city shall have the power to pass such ordinances, rules and regulations for the laying out, improving and ornamenting such cemeteries, and for the protection and regulation of the same, and all property therein, and to provide by ordinance for the punishment of any person who shall violate any of such rules, regulations or ordinances, the same as if such cemeteries were situated within the limits of such city.

Council may dispose of lands heretofore purchased for cemetery purposes.

SECTION 29. Whenever the common council shall deem it proper and for the best interest of said city, it may sell, dispose of, and convey any lands and real estate that has heretofore been purchased for cemetery purposes, or that is now or hereafter shall be owned and held by said city for such purposes; provided, such lands that shall

be actually occupied by interred bodies, shall not be so sold until such city shall have arranged for the interment of such bodies, and shall have caused their removal.

Forfeitures and license moneys.

SECTION 30. All forfeitures and expenditures accruing to the city, for any violation of this act, or of any of the ordinances, by-laws, rules, and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided in this act.

Public act.

SECTION 31. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state.

SECTION 32. This act shall take effect and be in force from and after its passage and publication in the official state paper, without other publication mentioned in chapter 20 of the revised statutes of Wisconsin.

Approved March 30, 1891.

No. 591, A.] [Published April 2, 1891.

CHAPTER 124.

AN ACT to revise, consolidate and amend chapter 152, of the laws of 1889, entitled, "An act to incorporate the city of Superior."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Corporate name and powers.

SECTION 1. All the territory hereinafter described lying and being within the county of Douglas, in the state of Wisconsin, shall be and remain a city by the name of Superior, and the people now residing therein, and all those who may hereafter become residents of said territory, shall be a municipal corporation by the name of Superior, and they shall have the general powers usually possessed by municipal corporations at

common law, and also the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded with, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure. The corporate authority of the city shall be vested in one principal officer, styled the mayor, in one board, which shall be known as and styled, the common council of Superior, consisting of two aldermen from each ward, together with such other officers as may be created by this act.

CHAPTER II.

City boundaries.

SECTION 2. The following described territory shall constitute and be the city of Superior: Beginning at the southeast corner of section one, in township forty-eight north, of range thirteen west, in the county of Douglas and state of Wisconsin; running thence west on the section line to the southwest corner of section six, in township forty-eight north, of range fourteen west; thence running north along the township line to the intersection of said line with the state line between the states of Wisconsin and Minnesota; thence following said state line down the river St. Louis and through St. Louis Bay, and through the bay of Superior to the mouth of the St. Louis river, between Minnesota and Wisconsin points; and thence easterly to the meander line on the northermost point of said Wisconsin point; thence along said meander line on Lake Superior and following the shore line of said lake southeasterly and easterly to the section line on the east side of section thirty-six in township forty-nine north, of range thirteen west, and thence south to the place of beginning.

Ward boundaries.

First ward.

SECTION 3. The city shall be divided into seven wards, and the boundaries of the same shall be as follows: The First ward shall contain all of the territory described as follows: All of fractional township forty-nine north, of range thirteen west, except all that part of section nineteen in said town and range which lies north and west

of Hollinshead avenue; also sections one, two, three, four, five and six of township forty-eight north, of range thirteen west; also the southeast quarter of section twenty-five, and all that part of the northeast quarter of said section twenty-five, and all that part of the southwest quarter of section twenty-five in township forty-nine, of range fourteen, lying east of Hollinshead avenue; also the northeast quarter of section thirty-six, and all that part of the northwest quarter of section thirty-six in township forty-nine, range fourteen, lying north and east of Twenty-ninth street.

Second ward. The Second ward shall contain all of the territory described as follows: Fractional sections thirteen and twenty-four; all that part of section twenty-five lying north and west of Hollinshead avenue; all that part of section thirty-six lying south and west of West Twenty-ninth street; the south half of section thirty-six; all of sections twenty-six and thirty-five; all in township forty-nine north, of range fourteen west; also sections one and two, in township forty-eight north, of range fourteen west; and all that part of section nineteen in township forty-nine north, of range thirteen west, lying north and west of Hollinshead avenue, and also commencing at the northeasterly corner of the Fifth ward hereinafter described; thence running southeasterly on the state line to an intersection of the center line of Hollinshead avenue produced; thence southwesterly on said Hollinshead avenue, produced; to the shore of the bay of Superior.

Third ward. The Third ward shall contain all of the territory described as follows: All of the territory embraced in Connor's Point, according to the recorded plat thereof, and also the territory embraced in lots one and two of section eleven, township forty-nine north, of range fourteen west.

Fourth ward. The Fourth ward shall contain all of the territory described as follows: All of fractional section ten, not including that portion of said section ten embraced in the Third ward above described as a part of Connor's Point; also the north half of sections fifteen and sixteen; all in township forty-nine north, of range fourteen.

Fifth ward. The Fifth ward shall contain all of the territory described as follows: All that portion of section eleven not included in the Third ward above described; also all of section fourteen, and that por-

tion of bay frontage on Superior Bay described as follows: Beginning at a point in the main channel of Superior Bay, where the southeasterly line of lot number one, Connor's Point, according to the recorded plat thereof, produced, intersects said channel; thence running southwesterly along said line to where the same intersects the shore line of section fourteen; thence at an angle, and southeasterly, along the shore line of said section fourteen, to a point where the same intersects the section line between sections thirteen and fourteen; thence at an angle and on a line northeasterly and parallel with the southeasterly line of said lot one, Conner's Point, to a point where said line intersects the main channel in Superior Bay; thence at an angle and northwesterly to the place of beginning. Also all of section number twenty-three. The Sixth ward shall contain all of the territory described as follows: The south half of sections fifteen and sixteen; also all that part of section seventeen lying east of the channel of St. Louis river and included between Winter and Belknap streets produced. The Seventh ward shall contain all the territory described as follows: Beginning at the northeast corner of section twenty-two in township forty-nine north, of range fourteen west; thence westerly along the section line between sections fifteen and twenty-two, and between sections sixteen and twenty-one, to a point where said section line produced westerly intersects the state line between the state of Minnesota and the state of Wisconsin; thence southerly and westerly along said state line to a point where the same intersects the westerly line of section number thirty-one, in said township forty-nine north, of range fourteen west; thence southerly along said westerly line of section thirty-one produced to the southwest corner of section six, in township forty-eight north, of range fourteen west; thence easterly along the south line of sections six, five, four and three to the southeast corner of section three; thence northerly along the east line of said section three produced in township forty-eight north, of range fourteen west, to the place of beginning.

Sixth ward.

Seventh ward.

CHAPTER III.

ANNEXATION OF TERRITORY.

Annexation of adjacent territory.

SECTION 4. Territory lying adjacent and contiguous to the city may be annexed thereto in the manner hereafter set forth.

Petition for annexation.

SECTION 5. The owners of any forty acre parcel or governmental lot, or of a less area of land, may present a petition to the city council asking for annexation, and if electors reside upon said land said petition shall also be signed by at least three-fourths of the electors.

Council may take final action upon petition, when.

SECTION 6. At any regular meeting of the common council after the filing of said petition with the city clerk, an ordinance may be introduced providing for the annexation of such territory to the city. Final action on said ordinance shall not be taken except at a regular meeting of the council, and not earlier than thirty days after the same is introduced; and in the meantime the same shall be published, at least once in each week for four successive weeks, in the official newspaper of the city.

Vote on adoption of ordinance for annexation, how taken.

SECTION 7. A vote of three-fourths of all the members of the council-elect in favor of said ordinance, taken by ayes and noes, and recorded, shall be necessary for its adoption.

Adoption of ordinance to annex territory.

SECTION 8. The adoption of said ordinance shall operate to annex such territory to the city, and the ward or wards designated therein. The validity of the proceedings annexing such territory, shall not be called in question collaterally in any of the courts of this state; nor shall the validity of such proceedings be called in question in any other manner, in the courts of this state, unless the action or proceeding therefor be commenced within ninety days after such ordinance is adopted.

Validity of, not to be questioned.

CHAPTER IV.

OFFICERS — THEIR ELECTION, APPOINTMENT, QUALIFICATIONS, COMPENSATION, VACANCIES.

Officers, enumeration of.

SECTION 9. The officers of the city shall be the mayor and two aldermen from each ward, consti-

tuting the common council, a treasurer, clerk, comptroller, attorney, statistician, engineer, marshal, one justice of the peace and one supervisor from each ward, two constables, a health commissioner, who shall be a licensed physician, a sealer of weights and measures, a chief of the fire department, three commissioners of public works, constituting the board of public works, three assessors, constituting the board of assessors, a board of school commissioners, a board of health, and such other officers as the common council may deem necessary.

Annual municipal election, when and how held.

SECTION 10. The annual municipal election shall be held on the first Tuesday in April of each year, at such place or places in each election precinct as the common council have designated or shall hereafter designate. The polls of such election shall be opened at 8 o'clock in the forenoon and closed at 5 o'clock in the afternoon; ten days previous notice of the time and place of such election and of the officers to be elected, shall be given by the city clerk by publication in the official newspaper of the city, and by posting a written or printed notice in a public place in each ward. In all other respects such election shall be conducted as is prescribed by the general law of the state; provided, however, that the failure to give such notice shall in no way invalidate said election. Each ward shall constitute one election district; but the council shall, when they shall deem it more convenient for the electors, at any general election or special election, by ordinance, divide any ward into two or more election districts, specifying the boundaries of such districts and the place or places where the polls shall be held therein; such ordinance shall be published in the official paper at least four weeks prior to the succeeding election, and a copy thereof shall be posted up in at least five of the most public places in such ward for the same length of time. Within five days after the passage of such ordinance, the city clerk shall file a certified copy thereof with the county clerk, and such ordinance shall continue in full force and effect as to all succeeding elections unless rescinded by the common council of the city.

Elective officers. Appointive officers, how chosen.

SECTION 11. The mayor, treasurer, comptroller, supervisors, aldermen, constables and justices of

the peace shall be elected by the people. The other officers shall be appointed by the mayor and confirmed by a majority of all the members of the common council-elect voting in favor of such confirmation, except watchmen, policemen and firemen, who shall take their appointments direct from the mayor without confirmation; provided, however, that the commissioners of public works and the assessors shall be appointed as provided by chapters IX and XII respectively, of this act. Justices of the peace, and aldermen shall be elected for two years. At each annual election there shall be elected in each ward one alderman for the term of two years. All other officers shall be elected for one year.

Eligibility to office.

SECTION 12. No person shall be eligible to an office created by the provisions of this act, who is not at the time of his election a citizen of the United States and of this state, and a resident elector of the city; nor shall any person be eligible to any ward office, unless he shall be at the time a resident elector of the ward in which such office exists.

Term of officers; when to commence.

SECTION 13. The term of officers elected or appointed under the provisions of this act, shall commence on the Monday preceding the third Tuesday of April, and shall hold their offices for one, two or three years respectively, as herein provided, and until their respective successors are elected or appointed and qualified.

Election to be by ballot; plurality of votes to constitute election.

SECTION 14. All elections shall be by ballot, and a plurality of votes cast shall constitute an election. When two or more candidates for an office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as such common council shall direct.

Salaries, when and how fixed.

SECTION 15. The treasurer, clerk, comptroller, attorney, and all other city officers except the mayor, supervisors, aldermen, school commissioners, justices of the peace and constables, shall be paid a salary, which shall be fixed annually. The common council, in the month of March, shall fix the amount of salary which shall be received by every city officer entitled to a salary, who may be elected or appointed in the city during the ensuing year, which salary shall not be increased or di-

minished during the term of office of which said officer may be elected or appointed; provided, however, that the salaries of the first officers, who shall act hereunder, may be fixed by the common council at its first regular or any subsequent meeting thereof, after their election. The salary shall be paid out of the city treasury monthly, at the end of each month.

Office deemed vacant, when.

SECTION 16. When any officer elected or appointed, shall remove from the city, or when any officer elected or appointed in or for any ward of the city shall remove from such ward, or when any such officer shall refuse or neglect for ten days after official notification of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office except that of mayor, the same proceedings shall be had to fill such vacancies as are provided for in the case of an appointment.

Special elections, how held.

SECTION 17. Special elections for any purpose shall be held and conducted by the inspectors and clerks of election of the several election precincts in the same manner, and the returns thereof shall be made in the same form and manner as of the general municipal elections, and within such time as prescribed by law.

Vacancies to be filled for unexpired term.

SECTION 18. Every person appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term.

Officers to take and file oath of office before entering upon their duties.

SECTION 19. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within ten days after notice of his election; and in case of his failure to file the same within the time indicated the office shall be deemed vacant.

Official bonds, who to give. Same, how approved.

SECTION 20. The treasurer, comptroller, commissioners of public works, justices of the peace, constables and such other officers as the common council may direct, shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond in such sum as the common council, at a meeting held in the month of March, may determine, with two or more sureties, conditioned for the faithful discharge of the duties of their respective offices;

and with such other conditions as the common council may prescribe. The common council may at any time require new and additional bonds of any city officer. All bonds must be approved by the mayor, and when so approved they shall be filed in the office of the city clerk, within ten days after the officer executing the same shall have been notified of his election; and when so approved and filed shall be recorded by the city clerk in a book to be kept for that purpose; such clerk shall annex to each record a certificate that the same is a true copy of the original, and such record shall be *prima facie* evidence of the contents of such bond; and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace and constables shall give a bond as required by statute.

Removal of officers, who may be and how.

SECTION 21. Every officer elected or appointed to any office, except watchmen, policemen and firemen, may be removed from such office by a vote of three-fourths of all the members of the common council; but no such officer, except watchmen, policemen and firemen, shall be removed without cause, nor unless charges are preferred against him and an opportunity given him to be heard in his own defense. The common council shall have power to compel the attendance of witnesses and the production of papers when necessary for purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof. The mayor may suspend any officer against whom charges have been preferred, until the disposition of the same.

CHAPTER V.

OFFICERS — THEIR POWERS AND DUTIES.

Mayor, his powers and duties.

SECTION 22. The mayor shall be the chief executive officer, the head of the fire department and the chief of police of the city. He shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all of the officers of the city discharge their respective duties. He shall from time to time give the common council such information

and recommend such measures as he may deem advantageous to the city. When present, he shall preside at the meetings of the common council; he shall sign all agreements, contracts, licenses, and permits granted by such common council, and approve or otherwise act upon all claims allowed by such council; he shall appoint all watchmen, firemen and policemen, and may remove, suspend or reinstate any watchman, fireman or policeman in his discretion; provided, however, that the city marshal or the chief of police shall be removable only by the common council, in the manner provided for the removal of other officers, and the mayor may, in case of a riot, or other disturbance, appoint as many special policemen as may be necessary. He shall have and possess the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liabilty, he shall communicate his objections in writing to the common council within six days (Sundays and legal holidays excepted), after such ordinance, rule, regulation, claim or resolution is submitted to him for his approval. If, upon the return of such veto message of such ordinance, rule, regulation, claim or resolution, three-fourths of all the members of the common council-elect vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

President of the council, his powers and duties.

SECTION 23. The common council, at its first meeting after organization in each year, or as soon thereafter as may be, shall choose from its number a president; and in the absence of the mayor the said president shall preside at all the meetings of the common council; and during the absence or inability of the mayor to discharge the duties of his office, the president shall exercise all the power and discharge all the duties of the mayor. The president, while presiding at meetings of the common council or performing the duties of the mayor, shall be styled "acting mayor," and any act performed by him in such capacity shall have the same force and effect as if performed by the mayor; but the president of the common council as acting mayor shall have no authority to sign or approve any ordinance,

and with such other conditions as the common council may prescribe. The common council may at any time require new and additional bonds of any city officer. All bonds must be approved by the mayor, and when so approved they shall be filed in the office of the city clerk, within ten days after the officer executing the same shall have been notified of his election; and when so approved and filed shall be recorded by the city clerk in a book to be kept for that purpose; such clerk shall annex to each record a certificate that the same is a true copy of the original, and such record shall be *prima facie* evidence of the contents of such bond; and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace and constables shall give a bond as required by statute.

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rule, regulation, claim, resolution, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the common council. In case of a vacancy in the office of mayor the powers and duties of the office shall devolve upon the president of the common council for the residue of the term. The council may at any time fill a vacancy in the office of president

City clerk, how appointed; his powers and duties.

SECTION 24. The city clerk shall be appointed by the mayor and confirmed by the common council and shall hold his office for a term of one year. He shall have the care and custody of the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings; to record all ordinances, resolutions and bonds in books to be kept for that purpose; to keep a record of all licenses granted, and draw and sign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that purpose. He shall have and possess the power and authority and perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer and shall charge him with all tax lists presented to him for collection, and all sums of money paid into the treasury. He shall be *ex-officio* secretary of the board of public works. Within thirty days after the close of each fiscal year he shall make and cause to be published in the official papers of the city, a financial statement showing the receipts and disbursments on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, in like manner and with the same force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of the state; and shall perform such other duties as may

be required of him by the common council or by law. Every such clerk shall appoint a deputy, in writing under his hand, and shall file the appointment in his office. Such appointment shall be revocable at pleasure, and in case of any vacancy in the office of deputy clerk the clerk may fill such vacancy by appointing another deputy. The deputy clerk shall aid in the performance of the duties of the clerk, under his direction, and in case of his absence or disability, or of a vacancy in his office, shall perform all the duties of such clerk during such absence, or until such vacancy shall be filled; and every such clerk and his sureties shall be liable upon his official bond for the acts of his deputy.

City attorney, his powers and duties.

SECTION 25. The city attorney shall conduct all the law business of the city and of departments thereof, and all other law business in which the city shall be interested; he shall, when requested, furnish written opinions upon subjects submitted to him in writing by the mayor or common council or any of its committees or any other department of the municipal government, and these opinions shall be filed with the city clerk and recorded in a book to be kept for that purpose. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each case, which shall at all reasonable hours be open to the inspection of any of the officers or electors of such city. It shall also be the duty of the city attorney to draft all ordinances, resolutions, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the officers of the city; to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and collection of taxes and assessments, and to perform such other duties as may be prescribed by law and the ordinances of the city. He shall have authority to appoint, with the approval of the common council, an assistant, who shall have power to do all the acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant.

City treasurer, his powers and duties.

SECTION 26. The city treasurer shall collect all taxes, receive all moneys belonging to the city,

keep an accurate account of the same in suitable books prepared for that purpose, and shall pay over the money in his hands according to law. He shall promptly pay the interest and principal of all bonds when due. He shall, in a business-like manner, and as this charter and the common council shall direct, keep a detailed account of the moneys received and disbursed by him; his books shall be at all reasonable times open to inspection by any voter of the city, or tax-payer. He shall make a report to the common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office; and ten days preceding each annual election, he shall make out and file in the city clerk's office a full and minute report of all the moneys received and disbursed by him; of all tax certificates, bonds, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the city; which report shall embrace all the transactions of his office from the date of the like report of his predecessor to the date of the report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. He shall receive no fees or *per diem* or other compensation for his services except the salary fixed by the common council prior to his election. Except as herein and otherwise provided, he shall have and possess the powers and authority to perform such duties as treasurers in villages and towns are required to perform under the general laws of the state. The city treasurer shall appoint a deputy, in writing, and shall file such appointment in the office of the city clerk, and such deputy treasurer shall aid in the performance of the duties of the treasurer, under his direction, and in case of his absence or disablility, or of a vacancy in his office, shall perform all the duties of such treasurer during such absence, or until such vacancy shall be filled; and every such treasurer and his sureties shall be liable upon his official bond for the acts of his deputy. The treasurer may at any time fill a vacancy in the office of deputy treasurer.

SECTION 27. The city comptroller shall, on or before the first day of October of each year, file

City comptroller, his powers and duties. Annual report, when made, what to contain.

with the city clerk, a detailed statement of the expenses of the city during the fiscal year, and such statement shall also contain a statement of the estimated expenses of the ensuing fiscal year, as provided in section 102 of chapter XII of this act, entitled "Assessment and Collection of Taxes," and the income of the city for that year from sources other than taxation. He shall countersign all contracts made with the city, if the necessary funds shall have been provided to pay the liabilities that may be incurred against the city under such contracts, and no such contract shall be valid until so countersigned. He shall make and deliver to the city clerk a list of all certificates for the payment of which special taxes are to be levied in each year, in time for the same to be inserted in the tax roll, in the form of a schedule of special taxes, and shall certify the correctness of the same; and such certified schedule shall be *prima facie* evidence of the legality and regularity of the special taxes levied in pursuance thereof; but no irregularity in the making of such list, shall invalidate such special tax. He shall report monthly, and oftener if required, to the common council, in writing, the condition of the several funds of the city and of the condition of all outstanding contracts and claims which may be payable out of each fund. He shall examine and countersign all general and improvement bonds, all checks issued by the treasurer and all city orders, before the same shall be valid, but shall not countersign such orders before the money is in the treasury to pay the same. He shall examine all claims presented against the city, whether founded on contract or otherwise, and determine as to each claim, whether the same is properly itemized and sworn to, if on contract, whether the items charged are correct, whether such claim was incurred by proper authority, and generally determine the justness and correctness of such claim. For the above purposes he shall have power to swear witnesses and take testimony. If he does not find any objection to the claim, he shall mark his approval thereon; if he disapproves, or approves in part and disapproves in part, he shall report his reason therefor, and in all cases he shall report the evidence taken

by him. No claim shall be considered by the council or reported to a committee till it shall have been thus examined and reported upon by the comptroller. He shall examine each month, or oftener if required by the council, the treasurer's account as reported by him or kept by such treasurer, and report as to the correctness of the same, and also any violation by the treasurer of his duties in the manner of keeping accounts or disbursing moneys. The comptroller shall procure a "claim book," at the expense of the city, in which all claims against the city shall be entered as fast as the same are filed. Said claim book shall be provided with an index, and shall be in such form as to provide for the entry of the name of the claimant, number of claim, when filed, amount claimed, date of report of the comptroller, whether approved or for how much, date of allowance or disallowance by the council, amount allowed, date of the order issued to pay the same, number of such order and the date of cancellation of the same. The comptroller shall keep a record of all bonds issued, whether general or improvement, in suitable books to be provided for that purpose. He shall also perform such other duties as are required of him by law or the provisions of this act, and shall make such examinations as to the official conduct of the officers of the city not herein specifically provided for, as may be from time to time required of him by the common council. The comptroller shall appoint a deputy, in writing, under his hand, and shall file the appointment in the office of the city clerk. Such appointment shall be revocable at pleasure, and in case of any vacancy in the office of deputy comptroller the comptroller may fill such vacancy by appointing another deputy. The deputy comptroller shall aid in the performance of the duties of the comptroller, under his direction, and in case of his absence or disability, or of a vacancy in his office, shall perform all the duties of such comptroller, during such absence, or until such vacancy shall be filled; and every such comptroller and his sureties shall be liable upon his official bond for the acts of his deputy.

Deputy comptroller, how appointed; his powers and duties.

SECTION 28. The statistician shall compile and present to the common council, on or before the first Tuesday in January in each year, a report

covering the commercial and industrial conditions and transactions of the business establishments of the city, and shall include therein comparative statistics of the growth of the city from the year 1886 up to the date of such report. Such statistics shall include, as far as possible to obtain the same, a statement of the number of vessels arriving at and departing from the port of Superior, with their respective freight tonnage or number of passengers carried; the volume of business transacted by the postoffice or postoffices therein; the capital, exchanges and deposits of the banks therein; the amount of money expended in public and private improvements, and the character of such improvements; the volume of receipts and shipments of grain in bushels, of coal and ores in tons, and of general merchandise in pounds or tons; the number of real estate transfers and the total of the considerations for the same as shown by the records in the office of the register of deeds of Douglas county; the population and vote of each ward of the city and of each town in Douglas county; the assessed valuation of real and personal property in each ward of the city, and of Douglas county for each year; the number of industries or business houses in operation in the city, and the number of men and women employed therein, with the average wages or salaries paid the same; the number of new business houses established each year, with the number of hands and amount of capital employed by each; the number of railroads doing business in the city, with the amount of their respective miles of railway operated, and the number of persons employed thereon, together with such other facts in connection with the material development of the city and Douglas county as he may see fit to incorporate in such report. He shall perform such other duties in promotion of the general welfare of the city as the mayor or common council may direct. When directed by the council he shall cause said report to be printed for general distribution.

Statistician, annual report of, when to be made and what to contain.

SECTION 29. The common council, at its first meeting, or as soon thereafter as may be, shall designate some newspaper of the city, in which shall be published all ordinances, notices and other proceedings required by law to be published,

Council to designate official newspaper and fix rates.

and said common council shall have power and authority to establish by ordinance such rates for such printing and publishing as to them may seem just and proper; provided, that the price of such printing shall not exceed the legal rate for like work as the same now is or hereafter may be established by law.

Affidavit of printer to be filed with clerk; conclusive evidence when.

SECTION 30. When any ordinance, notice, resolution or other proceedings shall have been published, a copy of such publication, together with the affidavit of the printer or his foreman, stating the length of time the same has been published, shall be filed with the city clerk, and such affidavit shall be conclusive evidence of the publication of such ordinance, notice, resolution or other proceedings, and the bill for such publication shall not be audited until such affidavit is so filed.

Duties of other officers.

SECTION 31. All other officers elected or appointed under and by virtue of the authority of this act shall perform such duties as are required to be performed by like officers under the general laws of the state, and also such as are prescribed by the common council.

CHAPTER VI.

THE COMMON COUNCIL AND ITS POWERS.

Common council; how constituted.

SECTION 32. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Superior do ordain as follows:"

Meetings of council.

SECTION 33. The common council shall hold its first meeting in each year on the third Tuesday of April, and shall thereafter hold a regular meeting on the first Tuesday of each month, and at such other times as the council may direct. The mayor may call a special meeting by a written notice to each of the members, to be served personally or left at their several places of abode at least six hours prior to the time for such meeting.

General rules and regulations governing council.

SECTION 34. The common council shall determine the rules of its own proceedings. A majority of all the members-elect shall constitute a quorum for the transaction of business, but a

smaller number may adjourn; their sessions shall be open to the public; the ayes and noes may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes, or for the appropriation or disbursement of money, or creating any liability or charge against the city or any fund thereof, the votes shall be taken by ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judges of the election and the qualification of its members; may punish its members or other persons present by fine for disorderly behavior; may compel the attendance of its members upon its meetings, and employ the police of the city for that purpose; and may fine, or, by a vote of three-fourths of all the members-elect, expel any member for neglect of duty as such member, or for absence without leave for more than four consecutive regular monthly meetings of the council. At all confirmations by the city council the vote shall be taken *viva voce*, and such vote shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council present shall be necessary to a confirmation.

Council to have control of finances and property of city; general powers enumerated.

SECTION 35. The common council shall have the management and control of the finances and all of the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such rules, by-laws and regulations for the government and good order of the city, for the benefit of the trade and commerce of the city, and health of the inhabitants thereof, for the prevention of crime, and for carrying into effect the powers vested in said council, as they shall deem expedient. Such council shall have power to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws or regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the United States or of this state or of the laws thereof; and for the aforesaid purposes

such common council shall have authority by ordinance, resolution, by-laws or regulations:—

Grant licenses.

1st. To license, regulate or prohibit the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses and theatrical performances; and also to license and regulate billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of the same under the ordinances of the city and the laws of the state; and may grant licenses for and regulate groceries, tavern keepers, keepers of ordinaries, saloons, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors, shall not be less than five hundred dollars, any general law to the contrary notwithstanding, except druggists' licenses, which shall be fifty dollars, unless fixed by general law, and that all such licenses hereafter granted shall run from the first day of May in each year. All licenses hereafter granted shall expire on the first day of May after the same are so granted, and if any license is granted after the first day of May in any year, the full amount prescribed for a term of one year shall be paid. No license shall be transferred or money paid therefor be refunded, except by a vote in favor of the same of three-fourths of all the members of the common council-elect; provided further, that where an application for a license shall once be denied, the council shall not have authority till after the succeeding first day of May to receive, consider or grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person when denied on account of the person, or on the lot mentioned in the first application, if such denial is on account of the location. No license shall be granted except by a three-fourths vote of all the members of the common council elect; and the person to whom such license is granted shall give a bond in such form, in such sum, and with such conditions as the common council may determine, with two or more sureties, and no person shall sign more

than one bond as principal or two bonds as surety.

2nd. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices. Suppress gambling.

3rd. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, and all other exhibitions and amusements. Regulate concerts and exhibitions.

4th. To prevent and suppress riots, noise, disturbance or disorderly assemblages, and suppress and restrain disorderly houses and houses of ill-fame. Prevent riots.

5th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse the same from time to time, or remove or abate the same, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city. Compel cleanliness.

6th. To direct the management of, and to regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city, and within a distance of four miles therefrom, distilleries, slaughtering establishments, glue factories, establishments for cleaning or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on, or from which any unwholesome odor may emanate. Regulate breweries.

7th. To direct the location and management of public markets. Locate public markets.

8th. To regulate and restrain butchers, and the sale of game, poultry, meat, vegetables, fish, butter, fruit, milk and other provisions, and to cause the seizure and destruction, or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions. Regulate butchers.

9th. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials. Direct storing of combustibles.

Regulate keeping of combustibles.

10th. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables, factories, out-houses and lumber yards.

Restrain shooting.

11th. To regulate or prohibit the shooting of firearms and crackers, and the exhibition or use of any fireworks, at any time or in any manner which may be considered by the council dangerous to the city or to any property therein, or annoying to the citizens thereof.

Prevent encumbering of streets.

12th. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber firewood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever.

Prohibit horse racing.

13th. To prohibit horse racing and immoderate riding or driving in the streets.

Punish abuse of animals.

14th. To prohibit and punish the abuse of animals.

Compel the securing of teams.

15th. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Bathing.

16th. To regulate and determine the times and places of bathing and swimming, and to prevent any indecent or obscene exposure or conduct.

Punish vagrants.

17th. Tor estrain and punish vagrants, tramps, mendicants, street beggars, lewd persons and prostitutes; and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Prohibit running at large of dogs.

18th. To prohibit the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to ordinance.

License dogs.

19th. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of such licensed dogs

Regulate hackmen.

20th. To license and regulate all hackmen, draymen, cartmen, porters, omnibus drivers, cab-

men and carmen, and to prescribe their compensation and to establish and change from time to time stands for hacks and other public vehicles.

21st. To prohibit and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. Prohibit ball playing.

22d. To regulate, control and prohibit the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of the city; and also to make regulations to prevent the introduction of contagious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations, and to enforce the same within the city, and not to exceed five miles beyond the city limits. Prevent contagion.

23d. To aid and establish hospitals, and to provide for their regulation and support, and to regulate all private hospitals. Establish hospitals.

24th. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. Preserve public health.

25th. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemeteries, within or without the city limits, and to exercise jurisdiction and control over the same; and to direct the returning and keeping the bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises. Regulate burial of dead.

26th. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinances. Regulate running at large of cattle.

27th. To regulate the holding of public auctions. Regulate auctions.

28th. To prescribe and regulate the location and construction of sewers for the city. Construct sewers.

29th To locate, purchase sites and let contracts for the erection and construction of public buildings; to acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks Purchase sites.

or any other public purposes, and to sell, dispose of or convey the same, also to take by gift or devise money or any other valuable thing, for the use of the city.

Lay out streets.

30th, To lay out, make, open and keep in repair, alter or discontinue any highways, streets, lanes and alleys, cemeteries or public places, and to keep them free from obstructions, and to protect them from injury.

Establish grades.

31st. To establish and alter the grade of streets, and to regulate the manner of using the streets and pavements; also to protect the same from injury by vehicles or from other causes.

Name streets.

32d. To name or change the name of any street, park, cemetery or public grounds.

Establish public grounds.

33d. To make, establish and maintain public grounds, cemeteries, pumps, wells, cisterns and reservoirs, and to provide for the purchase, construction, maintenance and operation of water works for the supply of water to the inhabitants of the city, and to supply the city with water for fire protection and other purposes; and to secure the erection of water works the city may, by contract or ordinance, grant to any person, persons, company or corporation, the right and privilege to build and own such water works, and to maintain, operate and regulate the same; and in doing so, to use the streets, alleys, bridges and public grounds of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also by contract or ordinance, provide for supplying from such water works, the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations, as may be fixed by said contract or ordinance.

Provide for street lighting.

34th. To provide for lighting the streets, public grounds and buildings with gas or otherwise, and for such purpose to contract, by ordinance or otherwise, with any person, persons, company or corporation, for a term not exceeding ten years at any one time, at such price, on such terms and subject to such limitations as may be prescribed by such ordinance or contract.

35th. To establish and regulate boards of health, and define their powers and duties. Establish boards of health.

36th. To provide for the abatement or removal of nuisances, under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same: by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise. Abate nuisances.

37th. To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass or otherwise unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish or hides, and on his default, to authorize the removal or destruction thereof by some officer or officers of the city, at the expense of such person or persons. Prohibit bringing putrid carcases, etc., within city.

38th. To regulate or prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others for the purpose of business, amusement or otherwise. Regulate ringing of bells.

39th. To regulate or prohibit the use of steam whistles within the limits of the city. Regulate use of steam whistles.

40th. To provide for sprinkling the streets at the cost of the city, or of the lots or parts of lots fronting thereon. Provide for street sprinkling.

41st. To compel the owners or occupants of buildings or grounds to remove rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lots owned or occupied by them, all such substances as the board of health shall direct; and, on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant; and to prohibit any person or persons from depositing any dirt, ashes or rubbish on any street, alley or public ground. Compel removal of rubbish.

Protect sidewalks.

42d. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalk in said city, or in any way doing damage to such sidewalks.

Regulate sale of bread.

43d. To regulate the sale of bread within the city, and prescribe the size and weight of bread in the loaf and the quality of the same, and to provide for the seizure and forfeiture of bread baked contrary to such regulations.

Require sealing of weights.

44th. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by weight or measure, to cause his weights and measures to be sealed by the sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be comformable to those established by law in this state.

Regulate weighing and sale of hay.

45th. To regulate the weighing and sale of hay; to designate the places for harvesting ice, and to restrain and prohibit the sale of such ice as is impure; to regulate the measuring and sale of wood, and the weighing and sale of coal and lime.

License auctioneers.

46th. To license, regulate and restrain auctioneers, distillers, brewers and pawnbrokers, and keepers or proprietors of junkshops and places for the sale and purchase of second-hand goods, wares and merchandise.

Restrain hawkers and peddlers.

47th. To license, regulate and restrain hawkers, peddlers, book agents, subscription agents and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample order or otherwise; and keepers or proprietors of gift book stores, gift concerts and other gift enterprises; to fix and regulate the amount for licenses under this subdivision; to prescribe the time for which such licenses shall be granted; to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on.

Regulate location of lumber yards.

48th. To regulate or prohibit the keeping of any lumber yard, and the placing, piling, selling

of lumber, timber, wood or other combustible material within the fire limits of said city.

49th. To provide for the inspection and regulation of stationary and portable steam engines and boilers. Provide for steam inspection.

50th. To provide for the appointment of inspectors, weighers and gaugers, and to regulate their duties and to prescribe their fees. Appoint inspectors.

51st. To regulate the use of locomotive engines and railroad cars within the city, to direct and control the location of railroad tracks within the streets, to regulate the speed of railway trains within the city, and to require railroad companies to construct and maintain at their own expense, such bridges, gates, viaducts, tunnels, approaches or other conveniences at all public crossings of streets now laid out, or which may be hereafter laid out, as may be necessary; also to regulate the running of street railway cars, the laying down of tracks for the same, the transportation of passengers and the fare to be paid, and the kind of rails and power to be used. Regulate use of locomotives.

52d. To provide for the number of firemen, watchmen and policemen, and to regulate and prescribe, by ordinance, their duties. Regulate firemen and policemen.

53d. To compel the owners of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe. Compel numbering of houses.

54th. To declare the weed commonly called the Canada thistle, and other noxious plants and weeds in the city a public nuisance, and provide for the abatement of the same, as the city is authorized by law to abate other nuisances. Provide for destruction of noxious weeds.

55th. To direct and regulate the planting and preserving of trees in the streets and public grounds. Regulate planting of trees.

56th. To provide for the construction, improvement and preservation of any harbor within or of the city; to appoint a harbor master and define his duties; to establish dock lines, construct piers, wharves, docks, slips and channels, and to prescribe and control the prices to be charged for the use thereof; to prevent any use of the same, or of such part of any lake, bay, river, stream, spring, pond, slip, slough or pocket as is within the city, or any action in relation thereto, inconsistent with or detrimental Improve harbors.

to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prohibit and punish the casting or depositing therein of any earth, dead animals, ashes or other substances; to prohibit and remove all obstructions therein and to punish the authors thereof; to regulate and prescribe the mode and speed of vessels, crafts and rafts entering, leaving and navigating the harbor, of coming to and departing from the landings in the city; and the disposition of the sails, yards, anchors and appurtenances thereto, while entering, leaving or abiding in the harbor and to regulate and prescribe by such ordinances, or through their authorized officer, such location of every canal boat, steamboat, or other craft afloat, and such changes of situation in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such vessels, boats, crafts, floats and rafts; and to impose penalties not exceeding one thousand dollars for any offense against such ordinance; and by such ordinance to charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat or other vessel, craft, float or raft.

Erect bridges and viaducts.

57th. To erect and construct, or to permit, cause or procure to be erected and constructed, floats, pivots, culverts, viaducts, bridges or drawbridges over the navigable or other waters within the jurisdiction of the city, and to keep the same in repair, and regulate the use thereof. All drawbridges shall have draws of suitable width, when necessary, for the purposes of navigation; but the city shall have no authority or power to erect or construct, or permit or procure to be constructed, any bridge or bridges over the bay of Superior, the bay of St. Louis, or any part of the St. Louis river which constitutes the boundary between the state of Wisconsin and the state of Minnesota.

Lease wharfing privileges.

58th. To lease the wharfing privileges of the city upon such terms and conditions as may be usual in the leasing of other real estate, reserving such rent as may be agreed upon, and employing such remedies in case of non-performance of any covenants as are given by law in other cases; but

no buildings shall be erected thereon except as especially authorized by the council. The owner or owners of the adjoining lot or lots shall in all cases have preference in leasing such property, and a free passage over the same for all persons, with their baggage, freight or vehicles, may be reserved in such lease.

59th To authorize the taking up and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper paternal care, and growing up in mendicancy, ignorance, idleness and vice. Educate destitute children.

60th. To authorize the arrest, fine and imprisonment of vagrants, tramps or persons, who not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, railroad cars, boats or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gambling table, gaming house, house of fortune telling, or place of cock fighting, or prize fighting, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held. Punish vagrants.

61st. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons. Prohibit carrying of weapons.

62d. To control and regulate the construction of buildings, chimneys and smokestacks, and to prohibit the erection or making of an insecure or unsafe building, stack, wall or chimney in the city, and to declare them or old buildings or structures to be nuisances, and to provide for their summary abatement, and to provide for the summary removal of all standing walls and stacks of buildings injured by fire which may be declared dangerous by the common council. Regulate construction of buildings.

Provide for speedy egress from public halls.

63d. To regulate or prohibit the use of any hall, theater, opera house, church, school house or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Improve water front.

64th. To improve such portions of any lake, bay, slough or river as is within the city, and to establish the shore lines thereof.

Change ward boundaries.

65th. To change the boundaries of any ward or wards by annexing or detaching territory, and to increase or diminish the number of wards and create additional wards; provided, that any such changes shall be made only during the month of March, after two weeks' notice by publication in the official newspaper of the city, and by an affirmative vote of three-fourths of all the members of the city council-elect.

Establish public libraries.

66th. To establish and maintain one or more public libraries; which, besides books, periodicals newspapers, *et cetera*, may contain cabinets and exhibits of minerals and the natural product of the earth.

Provide for enforcement of fines.

67th. To provide for the enforcement of the payment of fines and costs by imprisonment in the county jail of Douglas county at hard labor.

Ordinance book, city clerk to keep, what to contain.

SECTION 36. The city clerk shall keep a book to be known as an "Ordinance Book," in which he shall enter at length, in a plain and distinct handwriting, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage and the page of the journal containing the record of the final vote upon its passage, and also the name of the newspaper in which said ordinance was published, and the date of such publication, together with proof of publication; the ordinance may be approved by the certificate of the clerk, under the seal of the city, and when printed or published in pamphlet form, and purporting to be published by the authority of the city, shall be read and received in all courts and places as evidence of their adoption.

Ordinances, how adopted. Publication of.

SECTION 37. Laws, ordinances, regulations and by-laws, shall be adopted by an affirmative vote of a majority of all the members of the common council present, and shall within fifteen days

after their passage, be published in the official paper or papers of said city before the same shall be in force.

SECTION 38. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, or cause the same to be done after the same shall have been audited by the comptroller.

Council to examine and adjust accounts of officers.

CHAPTER VII.

ACTIONS, APPEALS, BONDS, SURETIES.

SECTION 39. All actions brought to recover any penalty or forfeiture or for the punishment of any offender for violation of the ordinances or by-laws of the city, shall be brought in the corporate name of the city.

Actions to be brought in corporate name.

SECTION 40. In case of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of the city, the court shall enter judgment for such fine, penalty or forfeiture, together with the costs of prosecution against the defendant; and shall also enter judgment that such defendant be imprisoned in the county jail or house of correction until such judgment be paid, not exceeding, however, the term of six months; and shall forthwith commit the defendant accordingly. In case the defendant is adjudged to be punished by imprisonment, the court shall also render judgment that such defendant pay the costs of prosecution; and that he be held in imprisonment until such costs are paid, but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months.

Judgment upon conviction for violations of ordinances.

SECTION 41. Any person aggrieved by the judgment of the court, imposing a fine, penalty or forfeiture, or a term of imprisonment, may appeal from such judgment to the circuit court of Douglas county in the same manner in which offenders may under the general law appeal from the judgments of justices of the peace, in actions where the state is a party plaintiff; pro-

Appeals to circuit court.

vided, that this section shall not apply to appeals from the municipal court, where by law an appeal may be taken directly to the supreme court.

Disallowed claim not to be reconsidered.

SECTION 42. In case any person shall present his claim or demand against the city, and the common council shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim or demand.

No action to be brought against city until claim has been presented to council.

SECTION 43. No action shall be maintained by any person against the city, upon any claim or demand until such person shall have first presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part. Provided, that the failure of such common council to pass upon such claim within sixty days after presentation of such claim shall be deemed a disallowance thereof.

Determination of council to be final.

SECTION 44. The determination of the common council disallowing in whole or in part any claim, shall be final and conclusive, and a bar to any action in any court, founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Appeal upon disallowed claim, how taken.

Notice of appeal upon disallowance of claim to be served on clerk.

SECTION 45. Whenever any claim against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the common council, disallowing said claim, to the circuit court of the county of Douglas, by causing a written notice of such appeal to be served on the clerk of the city within twenty days after the making of the decision disallowing such claim; and by executing a bond to the city, in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council with its decisions thereon, and shall transmit the same, together with all the papers in the case, to the clerk of the circuit court of said county. Such appeal shall be an action, entered, tried and determined in the same

manner as actions originally commenced in said court. Provided, however, that whenever an appeal is taken from the allowance made by the common council, upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the common council, exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of recovery; and when the amount of cost exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

CHAPTER VIII.

FIRE DEPARTMENT.

Council may provide for the organization of volunteer fire companies.

SECTION 46. It shall be competent for the common council to provide by ordinance for the organization and management of volunteer fire companies, and to appropriate from the general fund such sums as shall be deemed requisite for the aid of such companies in procuring apparatus and outfit, and maintaining and housing the same, and to provide by ordinance for the appointment of a chief, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section.

Fire limits. Special fire limits within general.

SECTION 47. It shall be competent for the common council to fix and designate fire limits within which no buildings having wooden outside walls shall be constructed or repaired so as to increase their value beyond the percentage to be fixed in the ordinance, and the council may, by ordinance, prescribe special fire limits within the general fire limits, within which special fire limits they may require such building material to be used, and such additional precautions to be observed, both in the construction of new buildings and the repairing and maintenance of existing buildings as they may from time to time designate, for the prevention of fires and the spread and communication thereof; and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits or any particular provision thereof; and to that

end they may provide for the appointment of a building inspector, designate his authority, fix his term of office and provide for his compensation, but the common council shall possess no power to contract or diminish the fire limits once established.

Paid fire department, council to control.

SECTION 48. It shall be competent for the common council to provide by ordinance for the establishment or continuance of a paid fire department to be under the control of the city government, except as elsewhere provided in this charter, and maintain it at the sole expense of the city; to provide for the appointment of the chief of the fire department, and for as many assistants as may be deemed necessary, and to fix their salaries and to provide for the compensation of as many firemen as shall from time to time be necessary.

Purchase of fire-engines and apparatus.

SECTION 49. It shall be competent for the common council to provide for the purchase and maintenance of all necessary fire-engines, apparatus, horses and outfit for the extinguishing or prevention of fires, for the construction and maintenance of all necessary engine-houses and fire-stations, fire-alarms, fire-signals, telegraph or telephones, and for the use of all known means of extinguishing and preventing fires. And the common council may appropriate the necessary sums for carrying the foregoing provisions into effect.

Fire account, city treasurer to keep.

SECTION 50. In case of a paid fire department the city treasurer shall keep a separate account with the general fund, to be called the fire account, in which shall be entered all disbursements for or on account of the fire department, and all appropriations made, and all taxes collected for its use.

Relief fund for firemen.

SECTION 51. The common council may establish a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen, who may lose their lives in the discharge of their duties, or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active firemen to contribute not to exceed two *per cent.* of their wages to said fund.

CHAPTER IX.

THE BOARD OF PUBLIC WORKS.

SECTION 52. There shall be a department known as the board of public works, to consist of three commissioners appointed by the mayor and confirmed by the common council. The members of the first board shall hold their offices one, two and three years, respectively, and thereafter they shall hold their offices for three years, or until their successors are appointed and qualified.

Board of public works; how comprised.

SECTION 53. The members of the board of public works shall on or before the first Tuesday in May in each year choose a president of the board from their number. The city clerk shall be the secretary of the board by virtue of his office.

President and secretary.

SECTION 54. The mayor, with the approval of the common council, shall appoint some competent person as city engineer, whose term of office shall continue for one year and until his sucessor is appointed, unless he shall be sooner removed by the council for cause. The city engineer shall keep his off ce in some convenient place to be designated by the common council, and it shall be his duty to do all engineering work required by said council or the board of public works. The city engineer shall possess the same power to make surveys and plats within the city that is given by law to county surveyors; and like validity and effect shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors.

City engineer; his power and duties.

SECTION 55. The city engineer shall file in the office of the city clerk a record of all his official acts and doings, and shall also keep a copy of all plats of lots, blocks and sewers embraced within the city limits; also all the profiles of streets, alleys and sewers, and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of all public buildings belonging to the city, and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the

City engineer to file record with city clerk.

inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of office to his successor or to the board of public works. On the last Tuesday of February of each year, and whenever requested, the city engineer shall make a report of all the doings of his department to the board of public works.

Salary of commissioners of public works.

SECTION 56. The commissioners of public works shall be each paid an annual salary to be fixed by the common council before the appointment of such commissioners and at the time other annual salaries are fixed; provided, however, that the salaries of the first commissioners appointed hereunder may be fixed by the common council at its first regular, or any subsequent meeting thereof, after their appointment.

Council to prescribe manner of conducting business.

SECTION 57. The common council may make such rules from time to time as they may deem proper, not contravening any of the provisions of the city charter, for the government of the board of public works, and the manner in which the business of said board shall be conducted.

General rules governing.

SECTION 58. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of the city, or tax payer. They shall make a report to the council on or before the first Tuesday of March of each year, and oftener, if required.

Superintendence of public works.

SECTION 59. It shall be the duty of the board, under the direction of the common council, to superintend all public works; and to keep the streets, alleys, bridges, sewers and public works and places in repair. They shall also, under the direction of the common council, have charge of the harbor and of all improvements therein.

Monthly and special reports.

SECTION 60. At each regular monthly meeting of the common council, and at each special meeting, if requested five hours in advance by the mayor or by any three members of the council, the board of public works shall make a brief and concise report of their doings up to the time of such meeting, and the couneil may take such action on the same as they may think proper. If no action is taken by the council within thirty days the report shall be deemed confirmed.

SECTION 61. No building shall be moved through the streets or obstructions be placed therein without a written permit therefor granted by the board of public works; said board shall have power to determine the time and manner of using the streets for laying or changing water or gas pipes, placing or maintaining electric light, telegraph and telephone poles, or making approaches to basements or buildings; provided, however, that the decision of said board in this regard may be appealed from to the council.

Buildings not to be moved through streets without permits.

SECTION 62. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk, excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual.

Streets, alleys and sidewalks to be restored to former condition.

SECTION 63. All public works, the estimated cost of which shall exceed one thousand dollars, shall be let by contract to the lowest responsible and satisfactory bidder; and all other public work shall be let as the common council may direct, except as provided by secction 145 of this act. When the work is directed to be let to the lowest satisfactory bidder, or when such work is required to be so let under the provisions of this section, the board of public works shall advertise for proposals by publishing a notice in the official newspaper of the city at least once a week for at least one week. Before such proposals are advertised for, a profile or plan of the work to be done, together with the specifications, shall be placed on file in the office of the board of public works for the inspection of bidders, and a form of contract as the same will be required to be executed by bidders, shall be prepared, and a copy of the same furnished to any person desiring to bid on the work. No bid shall be received unless accompanied by a certified check for five *per cent.* of the amount of the bid; which check is to be forfeited to the city by the successful bidder unless he shall enter into the contract within five days after it shall have been awarded to him.

Public works to let to lowest bidder, when.

Notice for proposals, how given.

SECTION 64. The board of public works shall have power to reject any and all bids, otherwise the contract shall be let as elsewhere provided in this chapter.

Rejection of bids.

Schedule of bids to be reported to council, when.

SECTION 65. Whenever the lowest bidder shall be, in the judgment of said board, incompetent or otherwise unsatisfactory for the performance of the work on which he bids, the board shall report to the common council of the city a schedule of all the bids for such work, together with the recommendation to accept the bid of the lowest responsible and satisfactory bidder for such work, with the reasons for such recommendations; and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such competent and reliable bidder or to re-advertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision, shall not invalidate such contract or any special assessment made to pay the liability incurred under such contract.

Contractors to restore streets, and maintain barriers and lights to prevent accidents.

SECTION 66. All contractors doing any work which shall in any manner obstruct the streets or sidewalks, shall put up and maintain barriers and lights to prevent accidents, and shall be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability; and shall also contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from carelessness of such contractor in the prosecution of said work; for the payment of which damages any money due said contractor upon any account may be held by the city.

Contracts, mayor and clerk to sign and comptroller to countersign.

SECTION 67. All contracts shall be signed by the mayor and clerk unless otherwise provided by resolution or ordinance; provided, however, that no contract shall be executed on the part of the city until the comptroller shall have countersigned the same and made an indorsement thereon, showing that sufficient funds are in the city treasury, or that provision has been made to pay the liability that may accrue under such contract.

Contractor to receive eighty per cent. proportionate value as work progresses.

SECTION 68 As the work of any contract progresses, the board of public works may, from time to time, at their discretion, grant to the contractor an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty *per cent.* of said estimate, which shall entitle the holder to receive the

amount thereof, less such twenty *per cent.* from the proper fund. But all contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor. In no case shall the deposit required by section 63 be returned to a successful bidder until the contract is performed. This deposit, together with the twenty *per cent.* retained as aforesaid, shall be used in whole or in part, to complete the work. If any of the deposit or of the retained twenty *per cent.* then remains, it shall be paid to such defaulting contractor.

CHAPTER X.

WATER WORKS.

Water works, board of public works to manage, when.

SECTION 69. Whenever the water works shall be owned by the city, the same shall be operated under the direction of the board of public works.

Powers of council relating to water works.

SECTION 70. The common council shall have power to legislate on all matters with reference to the construction, operation, management and protection of water works for the city not contravening the provisions of this act or the constitution or laws of this state or contracts already made, provided, however, that all provisions relating to water works, not herein otherwise provided, be adopted by a vote of not less than a majority of all the members of the council.

Real estate for water works, how acquired.

SECTION 71. The city may acquire by purchase or otherwise, as specified in this act for acquiring real estate for the public use, such lands as may be necessary for the construction and operation of water works to supply the city and inhabitants thereof with water. Provided that in cases where the water works are owned by private persons or corporations the expenses of acquiring such real estate shall be paid by such persons or corporations on a proper conveyance being made to such persons or corporation of said real estate.

Water rates, city treasurer to collect.

SECTION 72. When the city owns the water works the water rates shall be collected by the city treasurer, and shall be devoted exclusively to the expenses of maintaining and operating

the works and paying the principal and interest of any indebtedness created in the construction thereof.

Board to furnish treasurer with list of lots to which water has been furnished, and amount, when.

SECTION 73. On the first day of January and July in each year, the board of public works shall furnish the city treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months, and the amount due for the same. If the amount due is not paid within ten days thereafter, a penalty of ten *per cent.* shall be added, and the treasurer shall proceed to collect the said dues with said penalty, together with five *per cent.* thereon for his fees. He shall have all the authority in collecting said tax vested in him, in the collection of general city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums not paid by the first day of October in any year that have accrued during the preceding year, shall be reported by the treasurer to the city clerk, who shall insert the same in the tax roll as delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax.

Benefits to be assessed against lots before laying water pipe.

SECTION 74. The board of public works, before laying any water pipe along the street, alley or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front on or abut on the proposed line of water pipes, or which may be contiguous to and used in connection with any such lot or parcel of land such sum as such lot or parcel of land will be in the judgment of said board, especially benefited by reason of laying such water pipes, not to exceed, however, the amount prescribed in the next section; provided, that no lot, parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

Ordinary lots; assessment to equal half the estimated cost.

SECTION 75. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal to one-half of the cost, as estimated by the said board of public works, of furnishing and laying a regular line of

water pipe of approved materials and manufacture, with the required openings for connection with private service water pipes along the front of said lot. Such minor pipe to be not less than four nor more than six inches in diameter, as the said board may determine. Every irregular lot, part of lot, or other parcel of land fronting or abutting on such line of water pipe, and likewise any parcel of land, or lot, which shall be contiguous to any parcel of land, or lot, or part of lot so fronting or abutting, and which in the judgment of said board is or may be most advantageously used in connection therewith, shall be assessed for such water pipes the amount which in the judgment of said board shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by each from the laying of the said water pipes.

Corner lots; manner of assessment of for water purposes.

SECTION 76. Every corner lot, and every lot, part of lot or parcel of land, which may front or abut on more than one street on which it is proposed to lay a line of water pipe, shall be assessed for every such line of water pipe; but the aggregate of the assessment therefor on any such lot, or parcel of land, shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by them respectively from the laying of such water pipe; and in making such assessment, the said board shall take into consideration the situation of such lot or parcel of land with respect to its different and all subdivisions thereof by sale, contract, use or occupation, in severalty, and may assess subdivisions separately; and may also assess any subdivision of such lot or parcel of land in connection with any other part of such lot or other lot or land contiguous thereto, and most advantageously used in connection therewith.

Subdivided lots; equitable apportionment of assessment to be made for.

SECTION 77. Whenever any lot or parcel of land shall be subdivided by sale or contract, or by use or occupation in severalty, whether such subdivision shall occur before or after the assessment of special benefits as herein provided, the said board of public works may, after ascertaining such facts, at any time before the special assessment shall have been inserted in the tax roll,

make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof.

Report of assessments to be filed with clerk; notice of, how given.

SECTION 78. The said board of public works shall file reports of such assessments with the city clerk, who shall record the same in a book to be kept for that purpose, and give notice thereof to the parties interested by publishing the same once in each week for three successive weeks in the official papers. Any person feeling himself aggrieved by the report of said board, may, within twenty days after the completion of the publication of notice by the comptroller, appeal from such report to the circuit court of the county. Such appeal shall be entered and conducted in like manner and like security for costs shall be required as provided by law in cases of appeals from the decisions of the common council of said city to said court on the return of assessment of benefits for street improvements. In the making and the signing of all reports or returns under this chapter, by said board of public works to the comptroller or any other officer of the city, the official signature of the president and secretary of said board shall be sufficient.

Report to be filed with clerk of work done for which assessments were made. Certified returns, when.

SECTION 79. The said board of public works shall, from time to time make and file a report with the city clerk, of all work done for which assessments shall have been made as herein provided, and shall make such report of all assessments for work so reported to have been done to the board of public works, who shall, if practicable, make certified returns to the city clerk in time to have the same included in the tax levy for the current year, and the same shall be entered on the tax roll, in a separate column, under the head of "Water Pipe Assessments," and the same shall be collected and the payment thereof shall be enforced by sale, and other proceedings in like manner as is now provided by law in cases of assessments for streets and improvements, except that no certificates shall be issued, but all such assessments and proceeds thereof, when collected, shall belong to the water works fund.

Provisions only to apply when city owns works.

SECTION 80. The preceding provisions relating to the construction of water mains in whole or

in part, at the expense of abutting owners, shall not apply except when the city owns the works.

CHAPTER XI

FINANCE AND EXPENDITURES.

SECTION 81. The fiscal year shall commence on the first day of October in each year and close on the thirtieth day of September next succeeding. Fiscal year.

SECTION 82. All funds in the city treasurer, except school funds, library funds, funds created and set apart for the payment of interest and principal of the debt of the city, and funds collected on special assessments, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly countersigned by the comptroller and authorized by a vote of the common council. All orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable out of any fund in the city treasury not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof; and shall be indorsed by the party presenting the same. City funds, what to be under control of council.

SECTION 83. The city treasurer shall not, except as provided by sections 92 and 234, pay out any of the funds in his hands which shall be appropriated by law for any special purpose, except for the purposes for which said funds are specially appropriated, any direction of the city council to the contrary notwithstanding. Special funds, what to be paid out for, and how.

SECTION 84. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer, unless the same shall have been authorized by the common council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act. Certificates of indebtedness, how authorized.

SECTION 85. The common council shall not authorize the issue of orders upon the city treasurer unless the money to pay the same is in the hands of the treasurer to the credit of the fund upon which the orders are drawn. Orders drawn upon treasury, when.

Treasurer to make monthly statement of receipts, etc.

SECTION 86. The treasurer shall on the first day of each month, deliver to the city clerk a statement showing the condition of the treasury at the close of the preceding month, and a statement in detail of all receipts and disbursements since the last report. The comptroller shall examine said report and the vouchers for the disbursements referred to and shall attach thereto a report of his examination thereof, and the city clerk shall place the same before the common council for its consideration at its next meeting. When said report shall have been approved, the city clerk shall preserve the same with the vouchers referred to therein in his office.

Council may borrow money for ordinary expenses. Limitation of.

SECTION 87. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty *per cent.* of the tax levy for the same purpose the preceding year. Certificates of indebtedness may be issued therefor signed by the mayor and clerk bearing interest not exceeding seven *per cent. per annum*, and payable not later than the first day of March after the same are issued; provided, however, that no such loan shall be made unless authorized by a vote of at least three fourths of all the members of the common council-elect.

Council to designate depository for city funds.

SECTION 88. The city council may designate by resolution the bank or banks in the city where the money heretofore deposited by the city treasurer and not drawn out, or hereafter to be deposited by him, shall be deposited, and the security to be given by such bank or banks, such security to be approved by the mayor and comptroller; and when the money is so deposited the treasurer and his bondsmen shall not be liable for the loss of such money by reason of the failure of such bank or banks.

Comptroller to advertise for bids for deposit of moneys, when.

SECTION 89. At the beginning of each fiscal year the comptroller shall advertise for bids for the deposits of such moneys, and the common council shall award such deposits to the bank or banks offering to pay the greatest percentage on daily balances for such deposits, and which shall give the required security; provided, that the fact of having made the highest bid or bids shall not of itself entitle any bank or banks to such deposit or deposits, or any part thereof. The awarding of such deposit or deposits shall remain under

the control, and rest in the discretion of the common council.

SECTION 90. The common council shall provide that all money in the hands of the treasurer shall be deposited daily in the bank or banks selected for that purpose, and no money shall be drawn from said bank or banks except on a check or order signed by the treasurer and countersigned by the comptroller.

Treasurer to deposit daily.

SECTION 91. All temporary loans shall be paid out of the taxes levied for the ensuing year unless sooner provided for.

Temporary loans, how paid.

SECTION 92. A sufficient portion of the moneys received for licenses of all kinds to pay all interest on the outstanding bonded indebtedness of the city for the ensuing year, and five *per cent.* of the principal of such bonded indebtedness, shall be set aside for that purpose and placed in a special fund on the first day of June in each year; and in case the whole amount of said moneys received from licenses is insufficient for this purpose the balance required therefor shall be taken from the general fund. Said special fund shall be deposited with such bank or banks in the city as the common council shall contract with to receive the same. The bank receiving such deposits shall pay interest thereon, semi-annually, at a rate not less than four *per cent. per annum.* It shall be stipulated in such contract that the principal shall not be payable by the bank until the bonds for which such sinking fund is provided become due, unless the fund is ordered withdrawn pursuant to the requirements hereafter made in this section, or bonds are ordered to be substituted therefor pursuant to section 234, and that all moneys belonging to such sinking fund shall be paid into such bank as fast as collected, and also that the bank shall pay the interest upon the bonds as fast as such interest shall become due and payable, out of the sinking fund moneys so received; and the semi-annual interest upon such deposits shall be added to the principal of such sinking fund as fast as such interest becomes due. Good and sufficient surety shall be required by the common council of such bank or banks for the faithful performance of such contract; and the council shall, when deemed necessary, and at least once a year, investigate the condition

Sum sufficient to pay interest on bonded indebtedness and five per cent. of principal to be set aside annually, when.

of such bank or banks and the sureties thereof, and in case the council shall at any time deem the condition of such bank or banks, or the sureties thereof, insecure, it may, in its discretion, by a three-fourths vote of all the members-elect, either require additional surety or order the said special fund to be withdrawn. The council shall then, in the manner and according to the terms by this section provided, contract again, and as often as may be necessary, for a deposit of such special fund. Nothing herein contained shall be construed to authorize the perversion, except by substitution as provided by section 234, of any special fund from the use of which it was created.

City bonds, purposes for which council may issue.

SECTION 93. The common council shall have authority to issue city bonds for the following purposes only:

1st. Building school houses and purchasing sites therefor.

2nd. Public buildings for the use of the city.

3rd. Fire protection.

4th. Sewers.

5th. Water works.

6th. Public parks and boulevards.

7th. Public cemeteries.

8th. Refunding municipal indebtedness.

9th. Bridges.

Bonds, how issued; limitation of.

Provided, that no such bonds shall be issued except for building school houses and purchasing sites therefor, unless authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council-elect. Said vote shall be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city; provided, further, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city, less sinking funds on hand, shall exceed five *per cent.* of the assessed valuation of said city at the assessment preceding the issue of such bonds. All such bonds shall run for and be payable in such time as the common council, by said ordinance shall provide; provided, that no bonds shall be issued payable in less than five years, and no bonds shall be issued payable in more than twenty years, and all bonds issued pursuant to

this section shall bear interest not exceeding six *per centum per annum* payable semi-annually.

CHAPTER XII.

ASSESSMENT AND COLLECTION OF TAXES.

Board of assessors, how comprised. Terms of members; duties.

SECTION 94. There shall be a board of assessors consisting of three assessors appointed by the mayor and confirmed by the common council. The members of the first board shall hold their offices one, two and three years, respectively, and thereafter they shall hold their offices for three years and until their successors are appointed and qualified. One of the assessors shall reside in the First or Second ward, another in the Third, Fifth or Seventh ward, and another in the Fourth or Sixth ward. The members of the board of assessors shall on or before the first day of May of each year choose a president and secretary of the board from their number. The entire city shall constitute a single assessment district. In the discharge of their official duties the assessors shall act together as an assessment board, and the concurrence of a majority of such board shall be necessary to determine any matter upon which they are required to act.

All property subject to taxation subject to taxation for all purposes.

SECTION 95. All property in the city subject to taxation under the laws of this state shall be subject to taxation for all purposes authorized by this act.

Assessment roll, board of assessors to make. Manner and time of making.

SECTION 96. The board of assessors shall make an accurate assessment roll of all the property in the city, within the time and in the manner prescribed by law for making the assessment of property for taxation under the revised statutes of this state. The board may employ all necessary clerical help, which shall be paid for out of the general fund of the city. For assessment purposes the town lots and blocks in the First and Second wards shall be grouped in one or more books describing the property, for ready reference, in accordance with the plat of Superior proper as near as may be; and in all the other wards, according to and in conformity with the leading divisions of the several town sites, or largest plats therein, so as to make the several parts of the as-

sessment roll conform as near as may be to the several popularly known divisions of the city; and all books constituting the entire tax roll shall conform as near as may be to these requirements.

Completion of assessment roll, notice how given.

SECTION 97. When the assessment roll shall have been completed the same shall be delivered to the city clerk, who shall thereupon give notice by publication in the official paper of the city for ten days, that on a certain day or days therein named, said assessment roll will be opened for examination by the taxable inhabitants; which said notice may assign a day or days certain for the inspection of such assessment roll. On such examination the board of assessors may make such changes as may be necessary to perfect the assessment roll, and after the corrections are made the said roll shall be submitted by the city clerk to the board of review.

Board of review, how composed. Increase of membership, how.

SECTION 98. The mayor, city clerk, and city engineer shall constitute the board of review; provided, that the common council may by ordinance provide for an increase of the membership of said board by adding thereto two or four members of the common council. It shall be the duty of any member of the board of assessors and of all other city officers to aid the board of review with counsel when called in for that purpose.

Meetings of board.

SECTION 99. The board of review shall meet on the first Monday in July of each year and proceed as such board, as prescribed by the laws of this state.

Assessment roll to be verified and delivered to clerk.

SECTION 100. When the roll shall have been examined and completed by the board of review, the board of assessors shall deliver the same, completed and verified as required by the statutes of this state, together with all statements of valuation, to the city clerk, who shall preserve the same in his office.

Lands assessed as a whole may be separately assessed, when.

SECTION 101. Whenever any tract of land assessed as a whole shall thereafter be subdivided by platting, sale or otherwise, the board of assessors shall, at any time before the final delivery of the assessment roll to the city clerk, enter on said roll in detail a list of such lots, subdivisions and parcels, and extend against each its equitable proportion of the assessment upon the entire tract so

subdivided; and if the board of review has considered the assessment of the tract as a whole, such equitable apportionment of the entire tax against each lot or parcel shall be valid and binding without the consideration of the board of review, and such original tract shall be released from the lien of all taxes and assessments which shall thereafter attach to the parcels so substitituted in place of the original tract.

Board of public works and comptroller to file detailed statements of money separately required for ensuing year, when.

SECTION 102. On or before the first day of October in each year, the board of public works shall file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in their departments, and the city comptroller shall likewise file a statement of the amount required by the police department, fire department, and the remainder of the general fund, and for the purpose of paying interest for the ensuing year on the public debt and five *per cent.* of the principal thereof. The city clerk shall, not later than the second Tuesday of October, place such estimates before the city council for their consideration, and the council, shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized, not exceeding the limit provided by law, and in making such levy they shall take into consideration the estimated amount that will be received by the city during the fiscal year from licenses.

Tax roll, clerk to make out as provided by law. Mayor and clerk to sign warrant to treasurer.

SECTION 103. It shall be the duty of the city clerk to make out a complete tax roll, in the manner and form provided by law, and as soon as practicable after the levy shall have been made by the common council as prescribed by the preceding section, and the certificate of the county clerk showing the amount of state and county taxes apportioned to the city, shall have been received, to cause the same to be extended upon such tax roll upon a uniform percentage, by setting opposite the description of each lot, tract or parcel of land, and to the name of each person named in said tax roll in proper columns, such proportionate share of the sums of taxes so levied as may be chargeable upon such lot, tract, or parcel of land, or against such person, and also enter and extend upon such tax roll all special

assessments and school taxes required to be entered therein. Whenever any tract of land assessed as a whole upon the assessment roll delivered by the assessors to the city clerk, shall thereafter be subdivided by platting, sale or otherwise, the city clerk may, at any time before the time fixed by law for the return of delinquent taxes to the county treasurer, enter on said roll in detail a list of the lots, subdivisions and parcels into which such tract has been subdivided; and in that case he shall extend against each of such lots or parcels its equitable proportion of all assessments and taxes general and special. Such extension and apportionment shall operate to release and stand in substitution of the taxes, assessments and liens on the original parcel so platted or subdivided; and shall in the case of each lot or parcel, and in all respects, be as valid and binding as the assessment and extension of taxes against the original parcel. To the tax roll shall be appended a warrant signed by the mayor and clerk substantially in the following form:

Form of warrant.

To ....., City Treasurer of the city of Superior:

You are hereby required to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named, of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected you are first to pay to the treasurer of said county, on or before the last Monday of January next, the sum of ..... for state taxes; you are to retain and pay out as city treasurer, according to law, the sum of ....., and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the day above specified; by which day you are further required to make return to said treasurer of this warrant,

with said tax roll, together with your doings thereon as required by law.

Dated the ..... day of ....., 18..

...., Mayor.

...., Clerk.

SECTION 104. The tax roll and warrant thereto attached shall be *prima facie* evidence in all courts that the land and persons therein named were subject to taxation and to the special assessments therein entered, and that the assessment was just and equal; and the same duly posted, balanced and completed, shall be delivered to the city treasurer on or before the fifteenth day of December in each year.

Tax roll and warrant to be prima facie evidence of taxation therein.

SECTION 105. After the tax roll shall have been delivered to the treasurer, as provided in the preceding section, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

Council may remit tax, when.

1st. When a clerical error has been made in the description of the property or in the extension of the tax.

2d. When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making assessments.

3d. When the property is exempt from taxation.

4th. When a person has been assessed the same year for the same property in more than one ward or place.

SECTION 106. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lots or tracts upon which the same may be a lien, and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax.

Special assessments to be carried out on tax roll.

SECTION 107. On the recept of such tax roll, the treasurer shall give one week's notice thereof in the official paper. Such notice shall specify that the taxes must be paid before the last Monday of January following

Notice of collection of taxes.

SECTION 108. On the expiration of the time specified or of any extension of time under the general law, the treasurer shall proceed to enforce the collection of such taxes in the manner provided by law; provided, however, that the treasurer may issue his warrant directly to the chief

Treasurer to enforce collection of taxes, when.

of police of the city, requiring him within a time specified in such warrant, to collect such taxes on personal property as shall then remain unpaid; and the chief of police, receiving such warrant, shall possess all the powers given by law to town treasurers for collection of such taxes, and be subject to the liabilities of town treasurers and entitled to the same fees as town treasurers in such cases.

Chief of police to give bond to city before receiving warrant from treasurer.

SECTION 109. Before the treasurer shall sign his warrant of the chief of police, as provided in the preceding section, such chief of police shall give a bond to the city in such sum and with sureties as the common council may prescribe, for the payment to the city treasurer of all taxes by him collected or received by virtue of such warrant.

Chief of police to return warrant, when.

SECTION 110. Within the time required by the statutes of this state in case of town treasurers for the return to the county treasurers of delinquent taxes on personal and real property, the said chief of police shall return his warrant for the collection of taxes of personal property to the treasurer.

Treasurer to first pay state tax. Other sums how set aside.

SECTION 111. Out of the taxes collected the treasurer shall first pay the state tax to the county treasurer, and shall then set aside all sums of money levied for school and library taxes, then taxes for the payment of principal and interest on the public debt, then moneys levied for the payment of judgments, then all sums raised as special taxes in the order in which they are levied, then the taxes for bridge purposes, then for fire purposes, then for street and other public improvements and lastly county taxes. Delinquent returns shall be made to the county treasurer, the same in all respects as required by the general laws of this state, and thereafter such proceedings shall be had with reference to the delinquent taxes so returned to the county treasurer as are provided for in case of delinquent returns from towns.

Directions only directory.

SECTION 112. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of

the tax, shall vitiate or in any wise affect the validity of such tax or assessment.

CHAPTER XIII.

CITY IMPROVEMENTS.

Street and alley grades, how established or changed.

SECTION 113. The board of public works shall, subject to the review of the common council, have authority to establish the grade of all the streets and alleys of the city, and to change and re-establish the same as it may deem expedient; provided, that wherever it shall change or alter the permanently established grade of any street, any person sustaining damages to his property abutting on such street by such change or alteration of grade, shall have a right to recover such damages in the manner set forth in this chapter.

Adoption of grades to be recorded.

SECTION 114. The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded in the manner herein set forth.

Streets to be divided, how.

SECTION 115. The street shall be divided into a carriage way and a sidewalk on each side thereof; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein.

Opening, grading and paving of streets.

SECTION 116. The city may cause streets and alleys to be opened, cleared, leveled, graded, graveled, macadamized and paved with wood, stone or other materials, or improved in any other manner; and may cause such streets and alleys to be swept and cleaned; provided, that no street shall be graded, graveled, macadamized or paved, where the expense would exceed five hundred dollars ($500), except upon the vote of two-thirds of all the members of the council-elect.

Street improvements to be charged to lots benefited.

SECTION 117. The opening, clearing, grading, re-grading, graveling, re-graveling, paving, re-paving, planking, re-planking, macadamizing or improvement of any street or alley, and the construction of crosswalks shall be chargeable to the lots or parcels of land benefited thereby, in pro-

portion to the benefits secured thereto. Provided, however, that the total amount so assessed shall not exceed the entire cost of such improvement; and provided, further, that in no case shall the amount so assessed to any parcel of abutting real estate exceed the benefit accruing to such real estate by such improvement, except in case of sidewalks.

Expense of cross walks and casual repairs to be paid by city.

SECTION 118. The expense of all crosswalks across public grounds, shall be paid by the city at large. The expense of making casual repairs to and of cleaning streets, in all cases where the streets shall have been constructed to the established grade, and graveled, planked, macadamized or paved as required by the common council, shall be paid out of the general fund of the city.

Change of established grades, how made.

SECTION 119. Before any established grade shall be changed or any work shall be ordered done on any street, in whole or in part at the expense of the abutting or adjacent real estate, the board of public works shall view the premises and determine the damages and benefits which will accrue to each parcel of such real estate by such change or alteration of grade; the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of such real estate by such work or improvement, and the amount that should be assessed under the provisions of this chapter, to each parcel of such real estate to be benefited, as benefits accruing thereto by such contemplated work or improvements.

Report of determination to be filed.

SECTION 120. Said board shall make and file in their office a report showing their determination on the questions required to be considered by them under the provisions of the preceding section.

Notice of determination to change grade, etc., how given. Final report with evidence and objections to be filed.

SECTION 121. Notice shall be given by the board of public works, by publication in the official newspaper of the city, at least once in each week for two successive weeks, that such report is open for review at their office and will be so continued for a space of twenty days after the date of such notice; and that on a day and hour named therein, which shall not be more than three days after the expiration of said twenty days, said board will be in session to hear all objections that may be made to such report. No irregularity in

the form of such report, nor of said notice, shall affect the validity of the same if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said report, said board shall hear all parties interested who may appear for that purpose, shall reduce to writing all objections that may be made, and all evidence that may be offered to sustain the same, and shall have power to review, modify and correct said report as they may deem just; and thereupon a complete and final report shall be made and filed by said board, with the city clerk, together with all objections and evidence taken before them to sustain the same, together with proof of publication of said notice; but no irregularity in the form of said report or manner of conducting the proceedings by said board, shall affect the legality of said report.

Clerk to notify council of filing of report, when.

SECTION 122. The city clerk, at the next regular meeting of the council after filing of said report shall notify the council thereof, and the council may take such action on the same as it may deem advisable. If no action is taken by the council the report shall be deemed confirmed.

Council to determine amount of benefits.

SECTION 123. Subject to the limitations hereinbefore mentioned, the common council through the board of public works, may determine the amount to be paid by the real estate to be benefited as benefits on account of the improvement of a street, and the amount that shall be paid by the city at large.

Notice of final determination as to damages, how made.

SECTION 124. When the report of the board of public works as made by them, or as changed or modified by the common council shall have been confirmed, the city clerk shall publish notice in the official newspaper of the city once in each week for two successive weeks that a final determination has been made as to the damages that will accrue to the real estate abutting on the street, in case of the change of an established grade, or the benefits to be assessed to the real estate to be benefited in the case of any proposed improvement; provided, that in case the contract is let for less than the whole amount of the benefits assessed, then the board of public works may reduce the same to the actual cost of the work.

Appeal from determination.

SECTION 125. If the owner of any parcel of land mentioned in said notice feels himself

aggrieved by reason of the determination made, he may within twenty days after the date of such determination, appeal therefrom to the circuit court; and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this act; provided, that in case any contract shall have been made for making the improvements, said appeal shall not affect said contract; but a certificate against the lot in question for the amount of benefits assessed to such lots shall be issued, notwithstanding such appeal; and in case the appellant shall succeed, the difference between the amount charged in the certificate so issued and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate, shall be paid by the city out of the general fund.

Appeal only remedy of owner.

SECTION 126. The appeal given by the last section from the report of the board of public works as confirmed by the common council, shall be the only remedy of the owner of any parcel of land, or any person interested therein, affected by said improvement, for the redress of any grievance he may have by reason of the making of such improvements, or by reason of the change of any established grade covered by said report.

Proposals for bids, when and how made.

SECTION 127. When any of the works before mentioned shall have been ordered to be done and the plans for the same containing a description of the work, the material to be used and such other matters as will give an intelligent idea of the work required, shall have been filed in the office of the board of public works, where the same can be inspected by persons desiring to bid on such work, the board of public works may advertise in the official paper of the city for bids for doing such work, at least once a week for at least one week.

Contractor entitled to certificates upon approval of work done.

SECTION 128. Whenever any work has been done under contract, as provided in this act, and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor, as to each parcel of land against which benefits shall have been assessed, for the amount chargeable to said lot, and which the owners or occupants have elected to pay ac-

cording to the provisions of this chapter. Said certificate shall draw interest at the legal rate and shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide.

Certificates to be conclusive evidence of legality of proceedings, when.

SECTION 129. After the expiration of nine months from the date of said certificate, the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof; and such certificates may be transferred by endorsement; provided, however, that this shall not affect any appeal from the report of the board of public works as confirmed by the common council. The comptroller's statement of the special assessments to be placed in the next tax roll shall include an amount sufficient to pay said certificates with interest thereon, at the legal rate, from the date of such certificate, to the time when the city treasurer is required to make return of delinquent taxes; and thereafter the same proceedings shall be had as in case of other taxes, except that all moneys collected by the city treasurer and all moneys collected by the county treasurer or county clerk, on account of such taxes, shall be delivered or paid to the owner of the same, on demand, upon surrender of such certificate

Payment may be made in either certificates or improvement bonds.

SECTION 130. When a contract is let for doing any work specified herein, chargeable to the real estate to be benefited, it may provide that the amounts so chargeable may be paid with certificates against the lots, or in improvement bonds, or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash, and part in improvement bonds or the proceeds thereof.

Notice of final determination and letting of contract to be published.

SECTION 131. As soon as the amount chargeable to the real estate to be benefited is finally determined, and after the contract is let, the council may cause a notice to be published in the official paper of the city, substantially in the following form:

CITY IMPROVEMENT NOTICE.

Form of notice.

Notice is hereby given that a contract has been let for (describe the work and street), and that the expense of said improvement chargeable to

the real estate to be benefited has been determined as to each parcel of said real estate and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the said real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk within thirty days after date hereof, a written notice that they elect to pay the special assessments on their property, describing the same, on presentation of the certificates.

Improvement bonds, when and how issued.

SECTION 132. After the expiration of said thirty days the council may issue improvement bonds covering all the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and clerk, countersigned by the comptroller, sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that they are chargeable to particular property, specifying the same and the number and amount of said bonds, and such other provisions as the common council may think proper to insert; provided, that no improvement bonds shall be issued for grading or improving any street or alley, where the cost of such improvement is less than one dollar ($1.00) per front foot on each side of the street.

Bonds, condition of.

SECTION 133. Said bonds shall be semi-annual interest coupon bonds, payable in annual installments, the last of which shall be payable at such time as the council may determine, not exceeding ten years from the first day of March next ensuing, and shall draw interest at a rate not exeeding six *per centum per annum.* Any portion or annual installment or installments, of said bonds may be sold by the common council at not less than par value, and the proceeds collected by the city treasurer shall be paid to the contractor when due to him, or the contract may provide that the contractor shall take bonds as payment on his contract at their par value, but the contractor shall be charged with accrued interest.

Special assessments, clerk to prepare statement of interest and principal, treasurer to pay.

SECTION 134. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds in his office.

SECTION 135. The city treasurer shall pay the interest on, and principal of, said bonds as the same become due and charge the amount to the proper fund.

Treasurer to pay.

SECTION 136. In each year after the issuing of said bonds, until all of them are paid, when the tax roll for the year is prepared, sufficient of the special assessment on each parcel of land covered by said bonds to pay the annual installment of the principal, and the interest on the amount of said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property, and thereafter this tax shall be treated in all other respects as any other city taxes, and when collected the same shall be credited to the proper fund.

Interest and installment, tax sufficient to be levied annually.

SECTION 137. No action shall be maintained to avoid any of the special assessments of taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of the regularity of all the proceedings on which the same are based.

No action to be maintained to avoid special assessments, when.

SECTION 138. The council shall have authority to establish a board of park commissioners, to prescribe their powers and to fix their compensation.

Board of park commissioners

SECTION 139. If at any time the city shall be without a board of park commissioners, the public parks of the city shall be under the charge of the board of public works until a board of park commissioners is established.

Public parks, board of public parks to have charge of, when.

SECTION 140. The council shall have full power to legislate with reference to public parks; provided, however, that no park shall be established at the expense of the city without the same is first submitted to a vote of the electors at an annual city election, and there is a majority vote in favor of the same.

Council's power as to public parks; limitation of.

SECTION 141. The council shall have exclusive power to determine by ordinance or resolution, the necessity for and location of all culverts and bridges; and the board of public works, under the direction and subject to the review of the council, shall have charge of the construction thereof. The cost of all bridges and culverts shall be paid out of the general fund, or out of the proceeds of the sale of city bridge bonds, except that a

Culverts and bridges, necessity for and location of, council to determine.

portion or the whole of the cost of any bridge or culvert, not, however, exceeding the sum of one thousand dollars ($1,000), may, in the discretion of the council, be assessed as benefits against the property benefited thereby, in the same manner, with like effect, and with like right of appeal, and shall be collected in the same manner in all respects, as assessments for street improvements.

CHAPTER XIV.

SIDEWALKS.

Sidewalks to be laid to street grade, when.

SECTION 142. In all cases where the grades of sidewalks shall not have been specially fixed by ordinance, the sidewalk shall be laid to the established grade of the street.

Width, material, etc., of sidewalks.

SECTION 143. The common council may, from time to time, by resolution, establish the width, determine the material, and prescribe the method of construction of sidewalks.

Grading of sidewalk part of improvement, when.

SECTION 144. Whenever a street or any part thereof shall be improved, or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, and shall be let by contract with the other work of improving such street.

Sidewalks to be constructed at owners expense. Board of public works to let contract for, when.

SECTION 145. The construction of sidewalks shall be done at the expense of the owners of the lots or lands benefited, as herein provided. It shall be the duty of the board of public works to cause a standard sidewalk to be laid in front of such lots or parcels of land. Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalk shall be out of repair for more than three days, it shall be the duty of the board of public works to repair the same. The board of public works shall keep an accurate account of the expense of laying and repairing sidewalks, whether the work be done by contract or without the intervention of a contract, and report the same to the city comptroller who shall annually prepare a statement of the expenses so incurred chargeable

to each lot or parcel of land benefited, and report the same to the city clerk, and the amount therein charged shall be by the city clerk entered in the tax roll, as a special tax against said lot, subdivision or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

Council to make needful rules.

SECTION 146. The common council may, from time to time, make all needful rules and regulations, by ordinance, for carrying the aforesaid provisions into effect, and for regulating the use of the sidewalks of the city and preventing their obstruction.

CHAPTER XV.

SEWERS.

Systems of sewerage; contract not to be entered upon until city is divided into sewerage districts.

SECTION 147. The city shall have full power to construct systems of sewerage, but shall not enter upon such construction until it shall have been divided into sewerage districts, and a plan shall have been adopted in the manner hereinafter specified; provided, that it shall not be necessary before any part of the system is constructed that the plan shall be determined upon in all its details, but it shall be settled so far as relates to that portion of the system upon which the construction is commenced.

Plans and diagrams.

SECTION 148. The board of public works shall cause diagrams of the plans of sewerage for each district to be prepared showing the lots and parcels of land, the main sewers, minor sewers, manholes, catch basins, and all other matters pertaining to the system.

Notice of completion of sewerage diagram.

SECTION 149. On the completion of such diagram, notice shall be given in the official paper of the city, substantially in the following form:

Form of notice.

Notice is hereby given that a plan for sewerage for the district bounded as follows: ..... has been prepared and is now open for inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same at any time within twenty days after the first publication of this notice, and file objections to said plan. On the ..... day of ....., 18 .....

this board will be in session to consider any objections that may have been filed, and all persons desiring to be heard before the board can then be heard.

Dated .....

.....

.....

.....

Board of Public Works.

The day for the hearing specified shall be within ten days after the last publication of said notice. Said notice shall be published at least once each week for two successive weeks.

Plans with objections and evidence to be reported to council.

SECTION 150. On the day specified for said hearing before the board, they shall take up and consider all objections made to the plan as proposed, and shall take down in writing any testimony that may be offered to sustain said objections When the board shall have concluded said hearing, they shall report the proposed plan, with all the objections overruled, and the evidence taken thereon, to the common council. The common council shall then examine the same, and may approve the plan as proposed, or change it in such manner as they mav think proper, and approve as changed or modified by them, or may reject the plan and direct the board to propose a new plan, in which case the same proceedings shall be had as before.

Plan finally determined upon to be filed with city clerk.

SECTION 151. When the plan of any sewerage district is finally determined, a complete diagram of the same shall be prepared and filed in the office of the city clerk.

Contract to be let to the lowest bidder. Bids may be rejected.

SECTION 152. The board shall proceed to construct the sewers determined upon, when, and as ordered to do so by the common council. After the common council shall have ordered the construction of any sewer, the board of public works shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file in the office of the board for the examination and guidance of bidders, plans and specifications describing the particular work to be done and the kinds and qualities of materials to be used, and may let the contract to the lowest responsible and satisfactory bidder; provided, however, that the board shall have the right to reject any and all bids, and re-advertise

for proposals if none of the bidders are satisfactory, or if they believe any agreement has been entered into between bidders to prevent competition.

SECTION 153. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive as payment for so much of the work as has been assessed against the lots benefited interest bearing certificates against such lots respectively or improvement bonds, or the proceeds of such bonds, and the residue of such contract, if any, shall be paid out of the proceeds of the general sewerage tax, to be levied on real estate and personal property within the sewerage districts by the common council on the recommendation of the board of public works, or, after this is exhausted out of a portion of the proceeds arising from the sale of general city sewer bonds.

Manner of payment for work performed.

SECTION 154. After any contract for work under this chapter, to be paid for in whole or in part by such assessment, shall have been entered into, the board of public works shall make, or cause to be made, an assessment in proportion to benefits against all lots, parts of lots, and parcels of land benefited by the sewer so contracted to be built, at the average rate of two and a half dollars per lineal foot, for its whole length.

Assessment to be made in proportion to benefits.

SECTION 155. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessments of benefits accruing to it by a system of sewerage shall have been made and before such system shall have been fully carried out and extended to such lots assessed, and the assessment on such work paid, any party interested may give notice to the board of such subdivision, and in such case, or when the said board shall in any other way become cognizant of the fact of such subdivision, they may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; but if by the neglect of the owners of the lots so divided, no such apportionment shall be made, then the entire lots shall be liable for the entire tax.

Assessment to be apportioned between subdivided lots, when.

SECTION 156. The cost of all sewers in excess of two and a half dollars per lineal foot, chargeable to lots and lands as provided in section 154 of this

Sewerage district fund, what to be payable out of.

chapter, of all temporary catch basins, and of the repairing and cleaning of sewers, and all expenditures for temporary work, necessary to carry on the system of sewerage herein provided, and all cost for constructing sewers not provided for by special assessment, shall be paid out of the fund of the proper sewerage district; but no part of the proceeds arising from the sale of general city sewer bonds shall be used for any other purpose than the building of sewers. And all cleaning and repairing of sewers and catch basins, and all temporary work necessary to be done as above stated, shall be done by the authority of the board of public works, as may be necessary.

Money required for sewerage purposes for ensuing year, board of public works to report, when.

SECTION 157. The board of public works shall report to the common council, before the first day of October of each year, as accurately as may be, the amount of money required for sewerage purposes for the ensuing year in each district, in addition to the special assessments made; and the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of five mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district, which tax so levied shall, when collected, be placed in the fund of the sewerage district in which the same has been collected; and the city treasurer is hereby directed and required to keep a separate and distinct account of each sewerage district. The council may also, on the report of the board of public works that such special assessments and such mill tax will be inadequate to complete the sewers of any district or districts, authorize the issue of general city sewer bonds in pursuance of section 93 of this charter, for an amount sufficient to complete said sewers. The proceeds derived from the sale of such sewer bonds shall be apportioned to the funds of the sewerage districts according to their several needs, for the completion of such sewers.

Payment upon acceptance of work, how made. Certificates of special assessments, how issued.

SECTION 158. Any person to whom a contract is awarded for the construction of a sewer may receive in payment certificates against the lots, parts of lots, or parcels of lands, so as heretofore directed to be assessed, so far as the same will go, in liquidation of the amount of such contract,

and shall be entitled to receive city orders for the balance due, payable only out of the fund of the proper district, supplemented, if need be, by proceeds from the sale of general sewer bonds; and it shall be the duty of the board of public works, after the completion of any contract, and acceptance of the work, to issue such certificates on the request of the person entitled to receive them; and where any sum is found to be due a contractor over and above the amount of certificates so to be issued and received in part payment, to certify the same to the common council, which may direct an order to be drawn on the proper fund for the payment of the same. All certificates of special assessments for building sewers shall be signed by the mayor and clerk of the city, and countersigned by the comptroller, and delivered to the persons entitled to receive the same.

Work to be subject to superintendence and approval of board.

SECTION 159. In all cases the work shall be subject to the superintendence and direction of the board of public works; and no contractor shall be entitled to recover compensation for any work executed by him in any form of action, unless such work shall have been approved by the said board.

Water and gas service pipes, etc., same to be laid before paving streets.

SECTION 160. Whenever the common council shall order the paving or repairing of any street in which water mains, gas mains, and sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution require the board of public works to cause water and gas service pipes and house drains to be first laid in such street at the cost of the property fronting on such street, from the sewer, water and gas mains in such street, to a point two feet inside of the curb line on either side of the street at intervals not less than twenty-five feet, along the whole length of such street, except at street and alley crossings. The said board shall procure the same to be done, and charge and assess the expense thereof to the lots, or parts of lots fronting upon such work. The same shall be paid by interest bearing certificates issued against the lots, and shall be levied and collected as other special assessments are levied and collected in said city. Provided, that no street shall be paved or repaired by order of the common council unless

the water and gas mains and service pipes, and necessary sewers and their connections shall, if previously required by the common council, be first laid and constructed in that portion of said street so to be paved or repaired.

Drains and sewers to be constructed from every lot, when.

SECTION 161. It shall be the duty of said board to have proper drains and sewers constructed from every lot in the city, which in their judgment requires it, and see that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to construct such number of private drains and sewers as they may deem expedient.

Manner of construction, form, material, etc., board to determine.

SECTION 162. The said board shall describe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewer shall be constructed.

Work to be done by contract; how paid for.

SECTION 163. The said board shall have at their office, ready for examination, the specifications of any private drains or sewers so ordered to be constructed, and they shall advertise for proposals and let the work by contract, and at the completion of the contract shall give to the contractor a certificate or certificates against such lot or lots which shall be proceeded with and shall have the like effect and draw like interest as other certificates given for work chargeable to lots.

Contractor to have free ingress and egress to lot.

SECTION 164. Any person who has taken such contract from said board to construct a private drain or sewer from any lot, shall be authorized to enter upon such lot and construct thereon such drain or sewer, and shall have free ingress and egress upon the same with men, teams and appliances for that purpose, and to deposit all necessary building materials, and generally to do and

perform all things necessary to a complete execution of the work.

SECTION 165. No person shall break open or make connection with public sewers, except by the consent and under the direction of the board of public works, and any person who shall do so, or shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purpose of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or imprisoned in the county jail not to exceed three months, and the cost of repairing the same shall be assessed upon the property.

Consent required to make connection with public sewer. Penalty for willful injury.

SECTION 166. Any contractor or other person acting under the direction of the board of public works, may lay sewers in and through any alleys, streets and public grounds of said city, and through any breakwater or lands where authorized by the council, and also in any highways of the county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, public grounds, breakwaters, lands and highways, and to restore the same to their former condition upon the completion of such sewers.

Contractor may lay sewers through streets, alleys etc.

SECTION 167. The diagram filed for a plan of sewerage for any district, after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage shall not thereafter be called in question in any court.

Diagram of sewerage districts to be conclusive proof of regularity of proceedings, when.

SECTION 168. When a plan of sewerage has been finally determined upon, it shall not be changed except by a vote of two-thirds of all the members of the common council elect, in favor of the same. Such change shall be by ordinance passed at a meeting after the same shall have been published, at least once in each week for two successive weeks in the official paper of the city.

Change in sewerage plans, how made.

SECTION 169. When such change shall have been determined upon a diagram shall be pre-

Diagram of change to be certified and filed. When same to be conclusive proof.

pared, certified and filed as before, showing the change, and after nine months from the date of such filing, the said diagram shall be conclusive proof of the regularity and legality of the proceedings to establish such change, and if any change renders useless any existing sewer, the expense of such change shall be paid by the general fund.

Notice to be given of letting of contract and determination of benefit assessment.

SECTION 170. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land benefited by said sewer, if the common council deems it for the best interests of the property owners affected by the special assessment for the construction of said sewer, they may cause a notice to be published in the official paper of the city once in each week for two successive weeks, substantially in the following form:

IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENT.

Form of notice.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate benefited by said sewer, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required to file their notice to that effect with the said clerk before the expiration of twenty days from the date of this notice; that the city will issue its *per cent.* semi-annual interest annual installment coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on the presentation of the certificate in the manner stated; that said bonds will be a charge upon the property only against which said special assessments are claimed.

Dated the ..... day of ....., 18..

.....

City clerk of the City of Superior.

Sewerage bonds, council may issue to cover special assessments. Condition of.

SECTION 171. The council shall then have power to issue its semi annual interest coupon annual installment bonds for an amount sufficient to

cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be semi-annual interest coupon bonds payable in annual installments, the last of which shall be payable at such time as the council may determine, not exceeding ten years from the first day of March next ensuing, and shall draw interest at a rate not exceeding six *per cent. per annum.* They shall specify on their face that they are sewerage bonds, and shall contain such recitals as may be necessary to show that they are chargeable only to particular property, specifying the same and the number and amount of said bonds, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk, countersigned by the comptroller, and sealed with the official seal of the city.

Council may sell bonds or compel contractor to accept same.

SECTION 172. Any portion or any installment or installments of said bonds may be sold by the common council at not less than par value, and the proceeds collected by the city treasurer shall be paid to the sewerage contractor when due to him, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value, but he shall be charged with accrued interest.

Principal and interest, treasurer to pay.

SECTION 173. The city treasurer shall pay the principal and interest on said bonds as they fall due and charge the amounts to the proper fund. In each year after the issuing of said bonds until all of them are paid, when the tax roll for the year is prepared, sufficient of the special assessment on each parcel of land covered by said bonds to pay the annual installment of the principal with six *per cent.* interest on the amount of the said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other city taxes, and when collected the same shall be credited to the proper fund.

No action to be brought to avoid assessment, when

SECTION 174. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the assessments or tax mentioned in the foregoing section, and said bonds shall be conclusive proof of the regu-

larity of all proceedings upon which the same are based.

CHAPTER XVI.

SCHOOLS.

City to constitute one school district after first Monday of July 1, 1891.

SECTION 175. The city of Superior in the county of Douglas and state of Wisconsin, shall on and after the first Monday of July, A. D. 1891, constitute one school district, and all public schools now organized, or to be organized therein in pursuance of this act, shall under the direction and regulation of the board of education of the city of Superior, as hereinafter established, be public and free to children and youth residing within the limits thereof, between the ages of four and twenty years, inclusive, subject to such rules and limitations as the said board may establish. The territorial limits of said school district, and of said board of education, shall be co-extensive with the limits of the city of Superior.

Board of education, mayor to appoint, when.

SECTION 176. The board of education shall consist of one commissioner from each ward of the city of Superior, to be appointed by the mayor and confirmed by the common council of said city. Each of said school commissioners shall be a qualified elector and actual resident of the ward for which he may have been appointed, and also a freeholder therein, and shall continue to reside in the ward during the time for which he shall serve as school commissioner.

Members to be divided into three classes.

SECTION 177. Between the first and fifteenth days of June, 1891, the mayor shall appoint the first board of education under this act. He shall divide the members into three classes, as nearly equal as may be, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. All appointments herein shall be made upon the ground solely of capability and fitness, and without any regard to political considerations. Each commissioner shall hold his office for the term designated in said classification, and until his successor shall have been appointed and qualified, and each term of office shall commence on the first Monday in July, 1891. Thereafter all commissioners shall be appointed at the same time

of year as above provided, and shall hold their offices for the term of three years, from the first Monday in July, inclusive, and until their successors shall have been appointed and qualified. Appointments to fill any vacancies in said board shall be made in the same manner as original appointments.

Board of education to be a body corporate. General powers.

SECTION 178. The school commissioners aforesaid shall constitute and be a corporation by the name of "Board of Education of the City of Superior," and in that name shall be capable of suing and being sued, contracting and being contracted with, and holding, buying or selling and conveying real or personal property as may be authorized by law and as the interest of said public schools may, in the judgment of the board, require. Said board may adopt a seal and shall have charge of the public schools and educational interests within the limits of said district and of said city of Superior, and control of the finances and affairs of the district.

First annual meeting, when held. President and vice-president, duties of.

SECTION 179. The first meeting of the board of education each year, shall be held on the first Monday in July or as soon thereafter as may be. At its first meeting each year, the board shall elect one of its members president and another vice-president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and he shall perform such other duties as the board shall, by rule, by-law or resolution, from time to time require of him. It shall be the duty of the vice president to discharge the duties of the president in his absence.

Secretary and superintendent, how chosen, term of office.

SECTION 180. The board of education shall annually at its first meeting, or as soon thereafter as may be, elect a secretary who shall not be a member of the board. The board shall in like manner, annually, at its first meeting or as soon thereafter as may be, elect a superintendent of schools for the city, who shall not be a member of the board. These officers shall hold their respective offices for one year, and until their successors shall have been elected, unless sooner removed by a resolution adopted by the board by a vote of two-thirds of its members; provided, that from and after the first Monday in July, 1891, all jurisdiction of the county superintendent of schools over said district shall determine and cease.

Security may be required of officers and employes.

SECTION 181. The board of education may require security to be given for the faithful performance of his duties by any officer or employe of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employe additional bonds and sureties in its discretion. In case of the absence or inability from any cause, of the officers appointed by the board to perform the duties of their respective offices, said board may appoint some suitable person to act in their stead and place during their absence or inability, and such person shall have and possess the same powers and duties as the officer whose place he is appointed temporarily to fill.

General powers enumerated.

SECTION 182. The board of education shall have authority:

Establish schools.

First. To establish and organize such high schools, and so many common schools and branches of the same, primary schools, night schools and kindergartens as they shall deem expedient so as to afford to the people of the city such school facilities as the circumstances of the city and its various parts may from time to time require.

Purchase apparatus.

Second. To purchase and preserve such school apparatus and fixtures as may from time to time be required.

Grade schools and prescribe course of study.

Third. To grade the schools, and prescribe the course of study to be pursued therein, and to prescribe and purchase the text-books to be used, and to furnish them free of cost for the use of all pupils who are entitled to school privileges, under proper rules and regulation for preserving the same.

Employ teachers and fix salaries.

Fourth. To employ teachers of all grades and fix their salaries.

Prescribe rules.

Fifth. To prescribe rules of order for the regulation of their own meetings and deliberations, alter and repeal the same from time to time as they shall seem proper.

Appoint special committees

Sixth. To appoint all necessary standing and special committees.

Enact and amend rules.

Seventh. To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

Fix salary and duty of superintendent.

Eighth. To fix the salary and prescribe the

duties of the city superintendent of schools, and of the secretary of the board, respectively.

Ninth. To contract for and purchase all necessary fuel for the schools and school officers, and to provide for lighting and warming the same, and to appoint janitors for the school buildings and school offices, and to fix their salaries. Purchase fuel.

Tenth. To estimate the expenses of the public schools of the city, as hereinafter provided. Estimate expenses.

Eleventh. To designate and purchase suitable sites for school buildings and to enclose, protect and improve the same. Purchase sites.

Twelfth. To provide for the enrollment of all persons in the district of school age, the making of all necessary reports, and transmitting the same to the proper officers as designated by law, so that said city or district may be entitled to its proportion of the public school fund, and to all other incidental privileges. Provide for enrollment.

Thirteenth. To admit as pupils of the public schools under proper restrictions and regulations, children over the age of four and under the age of twenty years, residing out of the district. Admit pupils under restrictions.

Fourteenth. To employ legal counsel, and such assistants as may be necessary. Employ legal counsel.

Fifteenth. To exercise all powers necessarily incident to the powers herein conferred. Exercise powers herein conferred.

SECTION 183. It shall be the duty of the board of education to hold regular monthly meetings at such times as the board shall from time to time prescribe, and special meetings of the board may be held under such rules and regulations as such board may prescribe. A majority of all the members-elect shall constitute a quorum, but a less number may adjourn. Regular and special meetings.

SECTION 184. The proceedings of all regular and special meetings of the board shall have one publication in the official paper of the city. All job work and printing shall be paid at a rate not exceeding the sum paid by the city under the contract for city printing. Proceedings to be published.

SECTION 185. It shall be the duty of the board of education to erect and keep in repair all school buildings, and to provide suitable offices for the board, the secretary of the board, and the city superintendent of schools. In the absence of permanent school buildings or proper offices for the transaction of school business the board Suitable offices to be provided for board and school officers.

of education may rent suitable rooms temporarily for schools, or offices, or either. Provided, that it shall be and is made the duty of the said board of education to purchase a site for, and to locate, erect and complete the first high school building either within eighty rods of the intersection of Hill and Belknap avenues, or within eighty rods of the intersection of Hill avenue and north Twenty-fourth street produced in said city of Superior as may be determined upon by said board of education.

Location of high school.

Real estate for school purposes may be purchased, how.

SECTION 186. The board of education may purchase real estate necessary for school purposes whenever two-thirds of all the members of the board shall vote to make such purchase, and the board may also sell and convey any of its real or personal property, but only when by a like vote the board shall authorize such sale to be made. All votes under this section shall be by yeas and nays, and recorded in the record of the proceedings of the board. All conveyances of property made by said board of education shall be under the seal of said board and subscribed by the president and secretary thereof and countersigned by the comptroller of the city.

Plans and specifications and estimate of cost of school buildings to be submitted to council.

SECTION 187. Whenever the board of education may determine by a vote of two-thirds of all the members thereof that it is expedient and necessary to erect a school building or school buildings in said district, said board shall prepare plans and specifications and an estimate of the cost thereof, and a site therefor and submit the same to the common council, and thereupon the said council may provide and furnish funds for the construction and completion of such building or buildings, and place such funds at the disposal of the board of education for that purpose.

Council may borrow money for school purposes; limitations of; bonds, condition of issue.

SECTION 188. Tor the purpose of aiding in the erection of school houses is said district and for the purchase of sites for school buildings, the common council is hereby authorized to borrow a sum not exceeding two and one-half *per centum* of the assessed valuation of the taxable property of said city according to the last preceding assessment roll thereof, and the said common council shall have authority to issue therefor the bonds of the city with interest coupons thereto attached; for the payment of the principal and interest of

which, the faith and credit of the city are and shall be irrevocably pledged. The common council shall levy a tax to be collected annually sufficient to pay the interest on such loan, and the installments of the principal to be paid in any year. Provided, that such bonds shall be issued in pursuance to an order adopted by a vote in favor of the same of at least a majority of all the members of the common council-elect. Said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city; and provided further, that no such bonds shall be issued so that the amount thereof together with all the other indebtedness of the city shall exceed five *per centum* of the assessed valuation of said city, at the assessment preceding the issue of such bonds, and provided further, that all such bonds so issued shall by their terms be made payable in not less than five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six *per centum per annum* payable semi-annually.

Proceeds derived from loans to be exclusively applied to special purpose.

SECTION 189. The proceeds and moneys derived from all loans provided for in the preceding section, shall be exclusively applied under the direction of the board of education of the city to the special purpose of erecting and completing school houses therein, or of providing sites therefor, as designated by said board.

Taxes sufficient for all school purposes to be levied annually.

SECTION 190. Said board of education is hereby authorized and empowered to levy upon the taxable property in said district in each and every year such taxes as will raise sufficient sums of money for all school purposes of every character for the ensuing year, together with all necessary incidental expenses, and for the purchase or procurement of necessary sites for school buildings. It shall be the duty of said board to levy such school taxes as early as the first day of October in each year, and thereupon duly to certify the same to the city clerk, who shall assess the same on the next tax roll, and said taxes shall be collected in like manner as are state and county taxes, and shall together with all costs and interest collected thereon, be paid over to the city treasurer.

City treasurer ex-officio treasurer of board.

SECTION 191. All school moneys raised in any way for school purposes whether by the state, the county, city or district, or which may be coming to, or owing to the board of education, shall be paid to the treasurer of the city, who is hereby declared to be *ex-officio* treasurer of the board, and who shall receive the same as a separate fund. The said treasurer shall keep a detailed and exact account thereof in such a manner as to show at all times the correct financial condition of said board. He shall pay the same out from time to time upon the orders of the board of education, signed by the president, countersigned by the secretary of said board, and duly authorized by a vote of a majority of all the members thereof. The treasurer shall on the first day of each month deliver to the secretary of the board a full and detailed account of all moneys received and paid out during the preceding month, and showing the exact condition of the school funds at the close thereof.

Treasurer to execute bond before entering upon duties as treasurer of school district.

SECTION 192. The said city treasurer shall before entering upon the duties of his office as treasurer of said school district, execute and deliver to the board of education of the city of Superior a good and sufficient bond payable to said board in such sum as shall be fixed upon by the board, not less than double the amount of money to come into his hands, and with sureties who shall be freeholders of said city and shall be approved by the board, conditioned that the principal in the bond shall well and faithfully perform and discharge all the duties of his office, and pay and turn over to his successor, or to whomsoever the board may direct, all moneys and every valuable thing which shall come into his hands by virtue of his office belonging to said board.

Funds to be deposited daily in designated banks in name of board; proposals to be received before designating depository.

SECTION 193. All the funds of the board of education of the city of Superior shall be deposited daily by the treasurer of the said board in one or more designated banks in the city in a special account in the name of said board of education, and no money shall be drawn from said account except on a check or order signed by the treasurer, and countersigned by the president of said board. Such bank or banks may be designated by the board of education in their discretion after re-

questing and receiving proposals, stating the interest that would be paid on daily balances of the amount so deposited, upon condition that said funds with accrued interest shall be held subject to draft at all times on demand. Provided that the amount deposited in any bank shall not exceed the assessed capital stock of said bank, as the same shall appear on the last duplicate tax list; and that before any bank shall be designated as such depository, it shall deposit with such treasurer a bond payable to said board of education, with good and sufficient sureties, who shall be freeholders of the city of Superior, which bond shall be in such amount as said board shall direct, and at least in double the amount of funds to be deposited with said bank and shall be approved by the board as to its form and the sureties. When the money is so deposited, the treasurer and his bondsmen shall not be liable for the loss of such money by reason of the failure of such bank or banks; provided, that if no bank shall be designated as aforesaid, the said treasurer shall keep such funds and be responsible therefor.

Claims to be itemized and verified by oath of claimant.

SECTION 194. All claims against the board of education shall be itemized and verified by the oath of the claimant or some one in his behalf, and filed with the secretary of the board; and no claim shall be allowed by the board unless authorized by a vote of a majority of all the members-elect of the board. All orders drawn upon the treasurer shall be signed by the president and countersigned by the secretary of the board, and shall specify the purposes for which they are drawn, and shall be payable out of any funds in the treasurer's hands not otherwise appropriated; and all orders shall be made payable to the order of the persons in whose favor they may be drawn.

Monthly pay rolls, superintendent to verify.

SECTION 195. The board of education may provide for the payment of teachers' and janitors' salaries on monthly pay rolls, and shall prescribe the form of the same; provided, that said pay rolls shall be verified by the city superintendent, passed upon by the board of education, and signed by its president and secretary.

Clerk to keep record of orders and certificates issued.

SECTION 196. The secretary of the board shall keep an exact record in suitable books of all orders and certificates of indebtedness issued by the

board, showing the number, date, amount, purpose for which drawn and the name of the payee of each order or certificate, separately.

Orders on treasurer not to be issued, when.

SECTION 197. The board of education shall not authorize the issue of orders upon the treasurer unless the money to pay the same is in the hands of the treasurer, to the credit of the fund upon which the orders are drawn.

Special funds, treasurer to pay out, how.

SECTION 198. The treasurer shall not pay out any of the funds in his hands which shall be appropriated by law for any special purpose, except for the purpose for which such funds are specially appropriated, unless required so to do by the city council acting under sections 92 and 234.

Board may borrow money to pay ordinary expenses. Limitation of.

SECTION 199. The board of education of the city of Superior may borrow money to pay the ordinary expenses of the public schools, not exceeding twenty *per centum* of the tax levy for the same purpose the preceding year, and may also borrow money to pay the cost of acquiring, purchasing and improving the necessary sites for school buildings. Certificates of indebtedness may be issued therefor, signed by the president and secretary under the official seal of the board, and bearing interest not exceeding the legal rate *per annum*, and payable not later than the fifteenth day of February after the same are issued; provided, that no such loan shall be made unless authorized by a vote of at least three-fifths of all the members-elect of the board of education, at a legal meeting thereof.

Debt contracted and certificates of indebtedness issued, how authorized.

SECTION 200. No debt shall be contracted against the board of education, nor certificate of indebtedness issued, unless the same shall have been authorized by a vote of the majority of all the members of the board-elect, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by law.

Commissioners not to be interested in contracts.

SECTION 201. No school commissioner shall be interested directly or indirectly in any contract to which the said board of education is a party, or in any work, merchandise, books or supplies, or property of any kind done, furnished or acquired for the use of said board of education, or for the public schools of the city of Superior, and any contract or transaction prohibited aforesaid shall be absolutely void, and all moneys which may be paid thereon by said board may be recovered back

and the office of any such school commissioner so offending shall become thereby vacant.

SECTION 202. Every contract, certificate or other written instrument shall be executed on the part of the board by the president and secretary, sealed with the corporate seal, and in pursuance only of authority therefore from the board of education.

Contracts, certificates, etc, how executed.

SECTION 203. No action shall be maintained by any person against said board of education, upon any claim or demand until such person shall have first presented his claim or demand to the said board for allowance, and the same shall have been disallowed in whole or in part. Provided, that the failure of such board to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

Action not to be maintained upon claims until first presented to board.

SECTION 204. After the passage of this act, school district No. one and school district No. two, of the village or city of Superior, shall continue in existance until the first Monday in July, 1891, and no longer, and neither of them shall in the meantime enter into any new contract which is not to be fully performed before the date last mentioned, except for the employment of teachers for a period not exceeding one year from the date of such employment. Thereafter, the board of education of the city of Superior established by this act, shall be in all things the legal successor of said school districts, No. one and No. two, and of each of them.

School districts No. one and No. two to continue to exist until first Monday in July, 1891.

New contracts, how entered into.

SECTION 205. It shall be the duty of the director, treasurer and clerk of each of said school districts to attend at the office of the treasurer of the city of Superior on the first Monday in July, 1891, at ten o'clock in the forenoon, and surrender and deliver over to the board of education of the city of Superior, all books, records, vouchers, papers and properties in their custody belonging to their respective offices, boards or districts, and it shall be the duty of the treasurers of said school districts number one and number two respectively, to pay over to the city treasurer then and there, all moneys in their hands, or for which they are responsible as such district treasurers, and any failure so to do shall be held to be a breach of the official bond of each such treasurer so failing, and such bonds may be prosecuted by the said board

School district officers to surrender books, papers, etc., to board, when.

of education of the city of Superior, as also may any other right of action which might have accrued in favor of either of said district boards.

Interest and installments of principal on existing loans, tax sufficient to pay to be levied annually.

SECTION 206. It shall be the duty of the board of education of the city of Superior to levy annually upon the taxable property of said consolidated school district of the city of Superior, such amount of tax as will raise a sum of money sufficient to pay the annual interest and installments of the principal to be paid in any year on the existing loans of said school districts number one and number two, severally and sufficient to pay the respective indebtedness of said districts that may become lawfully due. The levy of such taxes shall be made at the same time as that provided in section 102, chapter XII of this act, and in like manner shall be duly certified to the city clerk, and the same shall be assessed and collected as in said section and chapter provided, and paid over to the city treasurer and by him received and held for the special purpose of extinguishing such indebtedness of said school districts number one and number two.

Lands for school house site, how acquired.

SECTION 207. Whenever said board of education shall deem it expedient, and shall at any regular meeting, by a vote of three-fifths of all the members-elect thereof, resolve to acquire title to any lands situated within the city of Superior, either for a school house site, or for an addition to any school house site, the same may be acquired at the option of said board by proceedings as provided in sections 895, to 904 inclusive, and section 927, of the revised statutes of 1878, and the acts amendatory thereof, except as otherwise herein directed. And it shall be the duty of the city attorney to conduct all such proceedings on the part of the board The title which said board shall acquire to any lands, as herein provided, shall be an absolute estate in fee-simple, and said board shall declare by resolution its purpose to acquire such absolute title. Provided that said board of education may at any time after the verdict of the jury as provided in section 899 of the revised statutes, enter upon and occupy such lands as are described in its resolution and application for a jury to condemn and appraise the same, until the proceedings contemplated by this act shall have been fully determined.

Board to declare its purpose to acquire title.

SECTION 208. The title to all public school buildings now erected, and the lots on which they are situated, and the lots now or hereafter purchased or acquired for school purposes, and the school buildings thereon erected, shall be and become vested in the board of education of the city of Superior.

Title to school property to be vested in board.

SECTION 209. The board of education, the secretary of the board and the superintendent of schools, of the city of Superior, shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. The said board shall report to the common council of said city annually in the month of September, the general proceedings and acts of said board; the number and condition of the public schools kept in said city during the year; the time they have severally been taught; the number and names of teachers and janitors, and the amount of pay or salary of each; the number of children taught in said schools respectively; the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of moneys raised or received for schools and for purposes incident thereto, distinguishing the amount received from the state fund, the amount derived from taxes levied by the county board of supervisors and by the board of education respectively, and the accounts allowed by them against the school fund in detail, together with such other information as they may deem useful or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction.

Board and officers, how governed.

Annual report to council, when made, what to contain.

CHAPTER XVII.

HARBORS.

SECTION 210. The city council shall have power to construct, repair, improve and maintain any harbor within or of the city, so as to make such harbor navigable and available for the largest classes of vessels, by dredging channels and slips, building docks, dykes, wharves, piers and breakwaters, or by such other plan of improvement as the city council may prescribe and adopt; and

Harbor improvements, board of public works to assess benefits.

when any such improvement shall have been ordered the board of public works shall make an assessment of the benefits accruing to the lands benefited thereby. In order to facilitate the improvement of any harbor or any portion thereof, the city council may by ordinance establish harbor districts, to be numbered from one upwards along the bays, rivers, creeks, sloughs, slips and pockets, lying wholly or in part within the city, each of which harbor districts shall contain such area and embrace such lands and territory to be improved and benefited as the council may by such ordinance prescribe and determine; and after the formation of any harbor district, the cost of the improvement made within any such district shall be assessed to the property within the same, according to the benefits accruing to such property by reason of such improvement. The city council may at any time, by a vote of three-fourths of all its members elect vacate or alter any harbor district, or change the boundaries of the same, or consolidate or re-arrange the harbor districts. In case it shall be necessary to dredge any channel or make any other improvement outside of any dock lines or harbor districts, the cost of such improvement shall be assessed as benefits against the platted property or sub-divisions of land nearest to or benefited by such improvement. Assessments for harbor improvements shall be made, corrected and reported to the city council the same as assessments for street improvements; and certificates or improvement bonds may be issued thereon in the same manner, and with like effect, as in the case of street improvements. The city council may provide that a sum not exceeding ten *per cent.* of the amount of any assessment for benefits shall be added, as an additional assessment for benefits, to cover the cost of engineering, superintending and all other necessary charges upon the city by reason of such improvement; they may also provide that any portion, or the entire amount, of any sum assessed as benefits shall be collected and in the treasury before any work shall be done or improvement made under this chapter. An appeal may be taken from any such assessment upon like notice and security, within the same time and with like effect, as in

Harbor districts, council to establish; how changed.

Assessments to be reported to council; certificates and bonds, how issued.

the case of street improvements, and like proceedings shall be had thereon.

SECTION 211. The city council shall have, and may exercise the right and power to condemn any lands, whether submerged or not that may be necessary for the improvement of any harbor, and to that end may exercise all the powers of eminent domain granted by chapter XVIII, of this charter, and in the manner therein stated.

Council to have power of eminent domain.

CHAPTER XVIII.

EMINENT DOMAIN.

SECTION 212. The city shall have the power to condemn lands for streets, alleys, sewers, public grounds, parks, cemeteries, sites for school buildings and other public buildings, and lands to be used for purposes of drainage and water distribution, canal, harbor improvements and other public municipal purposes, not here enumerated, by the following proceeding:

City may condemn lands for streets, alleys, etc.

SECTION 213. As to streets it shall be competent for any ten resident freeholders in any ward to petition the common council for the opening, widening, extension or change of any street in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards shall be required to join in the petition. Such petition shall be addressed to the common council, and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be taken. For the purpose of such petition a person in possession of land under a contract of purchase and sale, or a bond for a deed, shall be deemed a freeholder.

Proceedings upon petition to open, widen or change street.

SECTION 214. When such petition shall be presented to the common council it shall, prior to the adoption of any resolution thereon, be referred to the board of public works, and said board shall make a report to the common council, stating whether or not such petition is sufficiently signed, and if so, giving a particular description of each lot, parcel, or subdivision of land proposed to be

Petition to be referred to board of public works prior to resolution thereon.

taken, and a plat of the proposed street, widening, extension or change. Upon the coming in of said report, the common council may, if the petition be reported sufficiently signed, by a vote of the majority of its members, adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition and direct the city attorney to commence and prosecute the proper proceedings for the condemnation and acquisition of said land.

Proceedings upon petition to open, widen or change alley.

SECTION 215. As to alleys, a petition for the opening, widening, extension or change of an alley, may be made to the common council, by the owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city or not. Land held under a land contract or bond for a deed, shall for the purpose of such petition, be deemed to be owned by the person so holding it, and infants and others under guardianship, may petition by their guardians. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make a report to the common council, stating whether or not, the petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley, as the same will be when laid out, widened, extended or changed. Upon the comming in of such report, if it shall appear thereby, that the petition is signed by the owner or owners of one-third or more of the land in the block, the common council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear either in the case of a street or an alley, that such petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition, or the subsequent proceedings thereon.

Council may declare necessity to condemn lands for public use without petition.

SECTION 216. The common council may, without a petition, by a vote of four-fifths of its members, adopt a resolution declaring it to be necessary to condemn to the public use any land for

the opening, widening, extension or changing of any street or alley, and directing the city attorney to commence and prosecute the proper proceedings therefor, and in the case of the opening or extension of public grounds, or acquiring land as a site for a school building, or other public building, or lands for purposes of drainage, sewers, or water distribution, or the taking of lands for harbor improvements or any public municipal purposes not herein enumerated, the common council may without a petition therefor, and by a vote of a majority of its members, adopt a resolution declaring it to be necessary to condemn lands for such purposes, describing it in general terms, but not particularly describing the lands proposed to be taken, and directing the city attorney to commence and prosecute the proper proceedings therefor. Before any resolution provided for in this section shall be adopted it shall be referred to the board of public works, who shall thereupon make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, public ground, building site, drain or water pipe, or land to be used for harbor improvements or other public municipal purposes, and report the same to the common council.

Condemnation of lands, city attorney to prosecute proceedings.

SECTION 217. Whenever, by any resolution adopted under any of the preceding sections of this chapter, it shall be declared necesary to condemn any lands, and the city attorney is directed to commence and prosecute the proper proceedings therefor, it shall be the duty of the city attorney to prepare and present as soon as may be, a petition to the circuit court of the county in which the land proposed to be taken, or some of it, shall lie, for the condemnation of the land mentioned in the resolution for the purpose therein mentioned, and to prepare and file with said petition a sworn list of the names and residences, so far as they are known to him or can with reasonable diligence be ascertained by him, of persons owning or being interested in the lands proposed to be taken therein; and said petition shall have annexed thereto copies of the original petition, if any, the resolution of the common council and the report of the board of public works as to the proposed condemnation. The city attorney

Notice of petition to circuit court.

shall thereupon prepare a notice substantially in the follwing form:

Form of notice.

State of Wisconsin, In the matter of (here insert the object of the proceedings), in the city of Superior.	In the circuit court of the county of Douglas.

To whom it may concern:

Notice is hereby given that a petition for the condemnation of real estate has been presented to said court in the above entitled matter, by the city of Superior, by its city attorney. All persons interested in said matter may answer said petition at any time within twenty days after the service of this notice, exclusive of the day of service.

Dated.....

A. B.,
City Attorney.

Notices of condemnation proceedings, how served. Filing of petition to be deemed commencement of suit.

Such notice shall be served upon the owners of land which is proposed to be condemned, and all persons interested therein, in all respects like a summons in a civil action, except that in cases of service by publication and mailing, or by publication alone, the publication shall be made in the official paper or papers of the city, and except that service within the state may be made by the chief of police of the city named in the notice, or his subordinates, instead of the sheriff of the proper county, and the return or returns of such chief of police, by himself or by his subordinates, upon such notice or copies thereof, shall have the same force and effect as the return of a sheriff of the proper county by himself or by his deputies. The filing of said petition shall be deemed the commencement of a suit. Within twenty days after service of such notice upon any party owning or being interested in any real estate proposed to be condemned, such party may serve an answer to such petition upon the city attorney, and file the same as in cases of answers in civil actions. No notice of retainer or appearance without an answer shall be of any avail. When the time for answering shall have fully expired the city attorney may call up said matter for hearing upon a notice of three days, excluding the day of service, and excluding Sundays and legal holidays, and without notice

Answer, when to be served.

Proceedings in circuit court.

to parties who have not answered, and such proceedings shall have precedence over all other matters not on trial, and the circuit court shall thereupon impanel a jury as in civil cases triable by jury, to determine whether or not it is necessary to take the land proposed to be condemned for public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court, at the expense of the city, and shall return into court as in such cases; and if no answer shall have been served, the city attorney shall produce such evidence as he deems material as to the necessity for such condemnation, and if an answer or answers shall have been served, the issue upon the petition and such answer or answers shall be tried by the court and jury, the same as other issues of fact, and in either case the court shall thereupon instruct the jury as in other cases triable by jury. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either: "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding for the public use." Or: "We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding, for the public use." Upon the coming in of the verdict, judgment shall be entered condemning the land sought to be condemned to the public use for the purpose set forth in the petition, or dismissing the petition, as the verdict shall require. If the jury shall disagree, a new jury shall be immediately impaneled, and like proceedings shall thereupon be had as before. If two juries shall disagree, the matter shall be continued to the next term of the court, when it may be again called up and like proceedings had thereon. If the three juries shall disagree, the proceedings shall be dismissed. No appeal from a judgment of condemnation shall be allowed, but the supreme court may review such judgment upon a writ of *certiorari* sued out within thirty days after the entry of judgment, and not thereafter.

Form of verdict.

Judgment upon verdict.

Proceedings to be dismissed, when.

SECTION 218. The cost of the foregoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands

Cost of proceedings, city to pay, when.

in question to the public use, or if the proceedings shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred, and taxable attorney's fees not to exceed twenty-five dollars.

Condemnation proceedings to be deemed to have been abandoned, when.

SECTION 219. If the city shall not, within one year after the entry of a judgment of condemnation, cause the benefits and damages by reason of such condemnation, to be assessed as provided in this chapter, and shall not have in the proper fund available for that purpose, a sum sufficient to pay the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned. At the expiration of one year after the entry of such judgment, the comptroller shall, upon demand, furnish to the mayor or to any person who shall require it, a certificate showing whether or not there was, at the end of such year, in any fund of the city available for that purpose, a sum sufficient to pay such excess of damages over benefits, and such certificate shall be *prima facie* evidence of the facts therein certified. If it shall appear that there is in any fund of said city, a sufficient sum available for that purpose at the expiration of such year or at any time prior thereto, and after such assessments of benefits and damages shall have been made and confirmed, the city may take possession of the land condemned; an order on the city treasurer shall be issued, as in other cases, in favor of the person in whose favor any excess of damages over benefits shall have been assessed upon the certificates of the city attorney that such person is entitled to receive the same If the attorney shall refuse to give any such certificate, the party or parties claiming the same may apply to the circuit court at the foot of the judgment of condemnation for a decision awarding such amount to him or them, and upon such application and eight days' notice thereof to the city attorney, the court shall proceed in a summary manner to inquire as to the rights of the parties in the premises, and may make up an issue upon such application and submit the same to a jury in a proper case, and shall make and file a decision, in writing, as to who is entitled to draw the amount in controversy, and

Parties claiming certificates may apply to circuit court, when.

on filing a certified copy of such decision, with the city clerk, an order shall be issued in accordance with such decision. If any two or more parties shall claim the same sum, or if the city attorney shall be in doubt as to whom such sum shall be paid, he may in like manner, apply to the court at the foot of the judgment of condemnation for a decision as to the rights of the parties in respect to such sum, and upon such application and eight days' notice thereof to the parties interested, the court shall proceed in like manner to ascertain and decide who is entitled to said sum or any part thereof, and the city treasurer shall in like manner pay the same out upon and according to such decision. An appeal from any such decision may be taken to the supreme court by any party interested therein including the city, within thirty days after the filing of the same, and such sum shall not be paid while such appeal is pending, nor until the matter shall be finally determined. Such appeal shall be taken upon like notice and undertaking as an appeal from an order in a civil action, and like proceedings shall be had thereon in the supreme court and the circuit court.

Same when two or more parties claim same sum.

Appeal to supreme court, how.

SECTION 220. If any person not the owner of the land condemned, shall have a lien thereon or a leasehold or other interest therein, such person shall receive a portion of the excess of damages over benefits awarded by reason of such condemnation in proportion to the lien or interest he may have had in the land condemned to be ascertained upon the principles of equity; and if the parties cannot agree, the matter may be decided by the court at the foot of the judgment of condemnation, upon the application of a party or the city attorney as provided in section 219. The term, "excess of damages over benefits," shall, when used in this act, be construed to include any sum which shall be assessed as damages, and not offset by an assessment of benefits, as well as the balance in favor of a party in whose favor damages have been assessed and against whom benefits have been assessed.

Leaseholder to receive a portion of excess of damages awarded.

SECTION 221. When any land shall be condemned under this chapter for public grounds, parks, cemeteries, canals, harbor improvements, or sites for school or other buildings, the city shall

City to take a fee-simple title to land condemned, when.

take a fee-simple title to the land so condemned. In all other cases the fee shall remain in the owner, his heirs and assigns, and the city shall take by the condemnation only such an interest in the land as shall be necessary and convenient for the uses and purposes for which it is condemned.

Condemnation not a bar to subsequent proceedings.

SECTION 222. Condemnation proceedings under this chapter shall in no case be a bar to subsequent proceedings for the condemnation of the same premises, or any part thereof, for the same or a different purpose; and the same land may be condemned more than once for different purposes, each consistent with the other.

Street or alley, when to be deemed vacated.

SECTION 223. When a street or alley shall be changed by proceedings under this chapter, so much of the original street or alley as shall be left out of it as changed, shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

Council to order an assessment of damages within three months after judgment of condemnation; assessment of benefits, when.

SECTION 224. It shall be the duty of the common council within three months after any judgment of condemnation shall have been entered, to adopt a resolution directing the board of public works to make an assessment of damages by reason of such condemnation, and in the case of condemnation for opening, widening, extending or changing streets or alleys, and for opening public grounds, parks, cemeteries or canals, the common council may also direct the board of public works to make an assessment of benefits. Such resolution shall be certified by the city clerk to the board of public works immediately after its adoption and approval. When such assessment shall have been made and reported to the common council, that body may, by resolution, confirm the same, or refer the matter back to the board of public works for a new assessment, or may, by resolution, abandon the condemnation proceeding. If the common council shall for more than three months after the entry of a judgment of condemnation, neglect to order an assessment of damages, or benefits and damages, as the case may be, the condemnation proceedings shall be deemed to have been abandoned; and if the common council shall not within one year after the entry of judgment of condemnation confirm

an assessment of damages, or benefits and damages, and make provisions for paying the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned.

Board of public works to proceed to an assessment of benefits and damages, when; same, how made.

SECTION 225. When the city clerk shall have certified to the board of public works a resolution of the common council requiring an assessment of damages, or benefits and damages, to be made under this chapter, the said board shall immediately proceed to assess the damages, by reason of the condemnation mentioned in such resolution, as follows: Opposite each description of the land condemned the board shall set down in separate columns the damages sustained by the owner by reason of the taking of the land, the damages if any, to the adjoining property of the same owner, the total damages, and in cases wherein benefits may be assessed, the benefits which in their judgment will accrue to lands in the vicinity of the condemned lands, by reason of the condemnation in question, the excess of damages over benefits, and the excess of benefits over damages, each sum being set opposite the proper description. No benefits shall be assessed against any lot, parcel or subdivision, every part of which shall be one thousand feet or more distant from the nearest land condemed, and no benefit exceeding five *per cent.* of the assessed value thereof according to the last assessment roll, shall be assessed against any lot, parcel or subdivision by reason of any one condemnation proceeding, and no benefit exceeding three *per cent.* of the assessed value thereof according to said assessment roll shall be assessed against any lot, parcel or subdivision, the whole of which is more than five hundred feet distant from the nearest land condemned by reason of any one condemnation. In assessing such damage or damages and benefits, the board of public works shall proceed as in case of benefits and damages on account of public improvements, giving like notice, and like opportunities for correction, and reporting the assessment to the common council in like manner.

Clerk to transmit assessment to comptroller upon confirmation by council.

SECTION 226. When such assessment shall be confirmed by the common council, the city clerk shall transmit the same to the comptroller, who shall thereupon report to the city clerk a list of

special taxes to be entered in the tax roll on account thereof, which list shall have set opposite each description against which benefits, not offset by damages, or any excess of benefits over damages, shall have been assessed, the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax, and shall be collected the same as other taxes.

Cost of condemnation, how paid.

SECTION 227. The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnations for streets and alleys, and public grounds less than five acres in extent, which shall be paid out of the ward fund or funds, of the proper ward or wards, and the cost of condemnation for other purposes as to which there are special funds, such as the water fund or sewerage fund, if any, shall be paid out of such fund, and all special taxes, levied and collected on account of any condemnation, shall be credited to the fund out of which the cost of the condemnation is paid.

Lands may be condemned either under provisions of revised statutes or as herein provided.

SECTION 228. The city may, at its option, condemn lands for any of the purposes mentioned in the first section of this chapter either under the provisions of section 927 and sections 895 to 904, inclusive, of the revised statutes of 1878, and the acts amendatory thereof, or under the foregoing provisions of this chapter; and the city may at any time after the verdict of a jury, as provided by section 899, of the revised statutes, enter upon and occupy such land for streets, alleys, sewerage or drainage purposes, as are described in its resolution and application for a jury to condemn and appraise the same, until the condemnation proceedings contemplated by the law shall have been fully determined.

Appeals to circuit court, how taken.

SECTION 229. Any party aggrieved by any assessment of benefits or damages, or both, may appeal to the circuit court therefrom, within the time, in the manner, and upon the security prescribed in appeals from the assessments of benefits and damages on account of public improvements, and like proceedings shall be had thereon. Such appeal shall not affect any special tax levied on account of an excess of benefits over damages, but the amount recovered by the appellant, properly applicable in reduction of such assessment and the costs, if any, shall be paid out of the

proper fund; also the amount recovered by way of increasing any damages assessed, or for damages when none have been assessed, with the costs, if any.

CHAPTER XIX.

MISCELLANEOUS.

Members of council only eligible to office of mayor.

SECTION 230. No member of the common council shall, during the term for which he is elected, be eligible to any other municipal office, except the office of mayor, existing at the time of his election, or created at the time of his election.

Incompetency, residence not to occasion.

SECTION 231. No person shall be incompetent to act as judge, justice of the peace, witness or juror, by reason of his being an inhabitant of the city in any action or proceeding in which the city shall be the party in interest.

General laws to apply except as herein provided.

SECTION 232. The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties and the manner of conducting elections, shall be in force in the city, except as otherwise herein provided.

Bribery, misdemeanors, etc., punishable under general laws.

SECTION 233. The general laws of the state of Wisconsin for the punishment of bribery, misdemeanors and corruption in office shall be in force and shall apply to all officers elected or appointed under the provisions of this act.

General or improvement bonds may be substituted for sinking fund, how.

SECTION 234. Any of the city, general or improvement bonds may be substituted for any city sinking fund or funds or any part thereof, in case the common council shall at any time, by a three-fourths vote of all the members-elect, order this done. When such order is duly made by resolution it shall be the duty of the city treasurer to make such substitution, and a portion of such fund or funds equivalent in amount to the principal of such bond or bonds to be substituted, shall be paid out by the bank or banks where the same is deposited or kept, upon the check or checks of the city treasurer, whether the indebtedness for which such fund or funds was created is due or not. The bond or bonds so substituted

must be payable before the time when the sinking fund will be needed for the redemption of the bonds for which it was created. The substituted bond or bonds shall be and remain in the possession of the city treasurer until they become severally due, at which time the amounts thereof with interest thereon shall be paid into the sinking fund or funds where the money for which they were substituted was drawn. The bonds which shall have been so substituted shall then be cancelled.

Officials not to be interested in building or improvement contracts.

SECTION 235. No city official shall be interested directly or indirectly in any building or improvement contract to which the city is a party, and whenever it shall appear that such is the case, such contract shall be absolutely void, and the city shall incur no liability thereon whatever. No city officer shall be accepted as surety on any bond, contract or other obligation to which the city is a party.

Property of individuals or corporations not to be levied upon to satisfy obligation of city.

SECTION 236. No real or personal property of any inhabitant of the city, or of any corporation thereof, shall be levied on or sold by virtue of an attachment or execution issued to satisfy any contract, debt or obligation of said city, or for any judgment against said city; nor shall any person or corporation be held liable as garnishee of said city.

Forms prescribed by revised statutes to be valid; municipal court prosecutions, forms to be used in.

SECTION 237. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, as far as the same are applicable, shall be legal and of the same force and effect as the use of the forms prescribed in this act. Provided, that the following shall be substantially the forms to be used in the municipal court for Douglas county, in cases for prosecutions for the violation of the ordinances of the city of Superior:

COMPLAINT.

Form of complaint.

In Municipal Court,
Douglas County, Wisconsin.

City of Superior,
Plaintiff,
vs.
.....
.....
.....
Defendants.
} ss.

.....
complains on oath to the municipal court for Douglas county, that .....
..... did, as the deponent verily believes, on or about the ..... day of ....., A. D. 189.., at said city, violate an ordinance of said city, to-wit: In this, that he did then and there, contrary to said ordinance .....
.....
.....
wherefore the complainant prays that said .....
..... be arrested and dealt with according to law.

.....,
Complainant.

Subscribed and sworn to before me this ..... day of ....., 189..

.....,
Municipal Judge.

WARRANT.

Form of warrant.

In Municipal Court,
Douglas County, Wisconsin.

City of Superior,
Plaintiff,
vs.
.....
.....
.....
Defendants,
} ss.

Whereas, A. B has this day complained on oath to the municipal court of the county of

Douglas that.....

.....

did, as the dependent verily believes, on or about the....day of.... A. D. 189.., at said city, violate an ordinance of said city, to-wit: In this, that he did then an there, contrary to said ordinance

.....

.....

and prayed that the said.....
might be arrested and dealt with according to law.

Now, therefor, you are commanded forthwith to arrest the said.....
and to bring ..... before me to be dealt with according to law.

Given under my hand, at the city of Superior, in said county and state this ..... day of..... A. D. 189..

.....
Municipal Judge.

City marshal, variously styled, duties.

SECTION 238. The city marshal shall be known as such, or as a captain or chief of police, in the discretion of the common council; and he shall have command of the police force of the city under the direction of the mayor.

Salary, who not to receive.

SECTION 239. No compensation or salary shall be paid to the mayor, or any alderman, supervisor or school commissioners.

Contractor may be granted an estimate of amount and proportionate value of work.

SECTION 240. The board of public works may, from time to time, as the work on any contract progresses, at their discretion, grant to any contractor an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty *per cent.* of said estimate, which shall entitle the holder to receive the amount thereof, less such retained *per cent.* from the proper fund.

Approval of contracts.

SECTION 241. All contracts entered into by the board of public works under this charter shall be approved in writing thereon as to form and execution by the city attorney and before taking effect shall be signed by the mayor and city clerk and countersigned by the comptroller.

Duties of officers, provisions of revised statutes to apply.

SECTION 242. In cases of failure todescribe the duties of any officer elected or appointed under the provisions of this act, the provisions of the revised statutes and acts amendatory thereof as far as the same are applicable, shall be deemed

and taken to be the guide in determining the duties of such officer.

SECTION 243. When any heinous offense or crime has been committed against life or property, within such city, the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense. Rewards for criminals.

SECTION 244. No lot or parcel of land benefited in said city shall be exempt from the payment of its portion or any tax or assessment for sewers, the improvement of streets or the building or repairing of sidewalks, excepting only property belonging to the United States or the state of Wisconsin, and parsonages or property owned by some religious society, association or corporation and not used for pecuniary profit, and this shall be exempt. Special improvements, what property exempt from.

SECTION 245. Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Superior, who may desire to subdivide or plat such lot or tract, into city lots, streets and alleys under the provisions of chapter 101, of the revised statutes, shall, in platting the same, cause the streets and alleys to be surveyed and platted in such a manner that they shall connect with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract of land so to be platted; and also correspond in width, and general direction with the same; provided, it shall be the duty of such person or corporation making such plat, to submit the same to the board of public works for approval; and in case it shall be found impracticable or inexpedient to lay out any streets or alleys in the manner above directed, the board of public works in their discretion may consent to and approve a different mode of platting such streets and alleys; but except such plat be approved by resolution adopted by said board of public works, a copy of which, duly certified, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of Douglas county to receive such plat or plats of record, or to record the same. Every person neglecting or refusing to comply with the requirements of this section shall forfeit and pay Platting lands; streets and alleys to connect with and conform to adjacent lands. Plat, how approved and recorded.

a sum not less than fifty dollars or more than one thousand dollars to be prosecuted for and recovered in the name of the city and paid into the city treasury for the use and benefit of the said city.

Property of the city to remain such. Officers to turn over books, papers, etc.

SECTION 246. All public property of the city of Superior shall remain the property of the city, and all bonds, books, papers, money and property of all kinds and descriptions now controlled by the respective officers of the city shall at the expiration of their term be turned over to the proper officers.

Repeals chapter 152, laws of 1889, and acts amendatory, and acts conflicting herewith. Same not to affect existing contracts, etc.

SECTION 247. Chapter 152 of the laws of 1889, entitled, "An act to incorporate the city of Superior," approved March 23d, 1889 and the several acts amendatory thereof, and all acts or parts of acts, inconsistent, and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any existing contract, act or suit, claims, penalties or demands, that may have been entered into, performed or commenced by the village of Superior (and the word "village" herein shall be construed to mean city), or that may exist under or by virtue or in pursuance of the said act incorporating said city, or of the acts and parts of acts amendatory thereof, or of any of them, but the same shall exist and be enforced and carried out and be completed as fully and effectually to all intents and purposes as if this act had not been passed, and nothing herein contained shall be held to impair any of the rights granted by said city of Superior to the Douglas County Street Railway company, and the ordinance granting the same is hereby ratified, confirmed and validated, and all other ordinances, resolutions, regulations, rules, by-laws and orders either of the village of Superior or the city of Superior, or parts thereof not repealed, suspended, nor made void by this act, or by chapter 152 of the laws of 1889, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

Officers to continue until officers elected hereunder.

SECTION 248. The common council and the other officers of the city of Superior under chapter 152 of the laws of 1889, and the acts amendatory thereof, shall hold office and administer this

act so far as practicable, until the officers hereunder shall be elected and qualified.

SECTION 249. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1891.

No. 140, S.] [Published April 3, 1891.

CHAPTER 128.

AN ACT to incorporate the city of Colby.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

SECTION 1. All the district of country lying in the counties of Marathon and Clark, state of Wisconsin, hereinafter described, is hereby set off and separated from the town of Hull, in Marathon county, and town of Colby, in Clark county, and shall be a city by the name of "Colby," and the people inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of the "City of Colby," and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, and of answering and being answered unto, in all the courts of law and equity and other places, and shall have a common seal, and may change or alter the same at pleasure. Corporation created.

CHAPTER II.

BOUNDARIES.

SECTION 1. All of the west half of section number eighteen, town twenty-eight, range two east, Boundaries of city.

being a part of the town of Hull, Marathon county, and the whole of the east half of section thirteen, town twenty-eight, in range one east, being a part of the town of Colby, Clark county, shall be included in and constitute the limits of the city of Colby.

Boundaries of wards.

SECTION 2. The city shall be, and is hereby divided into two wards, which shall be known as the East and West wards, to be limited and bounded as follows: All that portion lying and being in section eighteen, town twenty-eight, range two east, shall be and constitute the East ward. All that portion being in the east one-half of section thirteen, town twenty-eight, range one east, shall constitute and be the West ward.

CHAPTER III.

TIME AND MANNER OF HOLDING ELECTIONS.

Annual elections.

SECTION 1. The first annual election for ward and city officers shall be held on the first Tuesday of April, 1891, and thereafter the elections shall be held on the day fixed by law as the annual town meeting of all towns in the state of Wisconsin, in each year, at such places as the common council shall designate; and the polls shall be kept open from ten o'clock in the forenoon till six o'clock in the afternoon, with this proviso: That an adjournment may be had in the discretion of the inspectors of election for one hour, between the hours of twelve o'clock M., and 1 o'clock P. M., upon due notice thereof given at the opening of the polls. Previous notice of six days shall be given of such elections, signed by the clerk, stating the time and place of holding the same, and of city and ward officers to be elected.

Elective city officers.

SECTION 2. The elective officers of said city shall be a mayor, a treasurar, one assessor and a clerk, elected by and for the city at large; one justice of the peace, one constable, two aldermen and one supervisor for each ward. The mayor, treasurer, assessor and clerk shall be qualified voters and residents of the city of Colby, and the said ward officers shall be qualified voters and freeholders or householders in the ward for which they were elected. The city marshal,

street commissioner and all other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justices of the peace and aldermen, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the common council shall have power, for cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The aldermen, at the first election in each ward, who shall receive the largest number of votes, shall be declared elected for two years, and one alderman for each ward shall be elected annually thereafter, whose term of office shall continue two years, or until his successor is elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it, which shall be done within ten days after such suspension. He shall also have power to fill any vacancy thus created for the time being.

Vacancies in city offices.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, treasurer, justices, clerk or aldermen, such vacancy shall be filled by a new election which shall be ordered by the common council, within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duty thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to be by ballot; ties.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Qualifications of electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall have resided in said city ten days exclusive of the day of holding such election, shall be deemed qualified electors of said city.

Officers of elections; elections how conducted.

SECTION 6. The mayor and senior alderman of each ward shall be the inspectors of all elections held in said city, and the junior aldermen shall act as clerks of said elections, or in case of the absence of any of the above named inspectors or clerks, the remaining inspectors may fill such vacancy by the appointment of an elector of the ward in which such vacancy occurs. The common council shall provide, to be used at all elections two ballot boxes, one to be marked "East ward," and the other marked "West ward," and at such elections the inspectors shall deposit each elector's ballot in the box marked for the ward in which such elector shall reside; each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officer for the ward in which the elector resides. All elections shall be conducted in the same manner, and the qualifications of electors shall be the same as provided by the general laws of the state of Wisconsin, except as otherwise provided in section 5 of chapter 3 of this act.

Canvass and return of votes.

SECTION 7. When an election shall be closed, the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return thereof, which shall be subscribed by each inspector, and containing a statement of the whole number of votes cast for each office and the number cast for each candidate thereof, and proclaim the result of the election, and shall file the statement with the city clerk, who shall record the same in a book to be kept for that purpose.

First election, when to be held.

SECTION 8. The first election under this act shall be held on the first Tuesday of April, 1891, and annually thereafter, and the supervisors of the town of Colby shall appoint three voters of the territory embraced in this act, to perform the duties of inspectors, and one who shall perform the duties of clerk of the election, who shall have power to canvass the votes and make returns of the result as is provided by this act to make re-

turns at general elections of the city, and the said returns or statements shall be filed with the city clerk as soon as he has qualified.

Official bonds.

SECTION 9. The mayor and each officer of said city, except the aldermen shall, within ten days after his election, and before he enters upon the duties of his office, execute to the city and file with the city clerk, a bond conditioned that he will faithfully, honestly and impartially discharge the duties of his said office according to law, and to the best of his ability, in such a sum as the council may direct at the meeting prior to any election, not to exceed five hundred dollars, except the treasurer, which shall be at least double the amount of all the moneys to come into his hands during his said term. Any voter or other person may prosecute said bond in his own name or in the name of the city, by giving security for all costs and damages that may be recovered or judgment had against such person upon failing to sustain his action, and recover any damages occasioned to him or to the city by reason of any breach thereof, or the city may by its attorney, prosecute the same; provided, there shall be but one recovery for each breach of said bond, and the suit first began shall have priority of right to recover, and such officers shall file with the city clerk their oath of office, as provided by law for county and town officers.

Special meetings of council, how called.

SECTION 10. Special meetings of the common council may be called by any two of its members, or by the mayor alone, and the city clerk shall give reasonable notice to all the members of the time and place of meeting.

Ordinances, etc., how passed, executed, etc.

SECTION 11. All ordinances, by-laws, rules and regulations of the city, and all commissions, licenses and permits granted or authorized by the common council shall be signed by the mayor and countersigned by the city clerk, and whenever the city shall be a party to any contract, bond, agreement, deed, conveyance, lease or other instrument in writing wherein or whereby any legal or pecuniary liability shall be incurred by the city, the same shall be signed by the mayor and city clerk, and sealed with the corporate seal.

SECTION 12. The mayor, aldermen, city marshal, and the sheriff and his deputies of either Clark or Marathon counties, and all constables of

Officers of the peace, who are.

the towns of either Colby or Hull, shall be officers of the peace, and suppress in a summary manner all riots, affrays or disorderly conduct within the city, and for such purpose may command the assistance of all bystanders and citizens or other persons, and if either or any of said officers, or persons by them commanded, shall refuse or neglect to aid or assist such officers in maintaining the peace, or in the service of any process, or arresting any offenders without process when so required, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than two hundred dollars and costs of suit, and in default of payment shall be committed to the common jail of Clark or Marathon counties, according to the ward in which the offense may occur, or the city jail, until paid, but such imprisonment shall be limited by the court, and in no case shall be less than ten days.

CHAPTER IV.

DUTIES OF OFFICERS.

The mayor, his powers and duties.

SECTION 1. The mayor shall preside over the meetings of the council, and shall see that the laws of the state and the ordinances of the city, within the corporation, are duly enforced, and that all the officers of the city discharge their respective duties. He shall give the council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all the duties imposed on him by this act, or by ordinances or resolutions of the council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the council only in case of a tie vote. He shall have the control and supervision of the police of said city, and is hereby authorized to appoint special policemen when the safety and good order of the city shall in his judgment, require the same, upon special or unusual occasions, where compensation shall be fixed and allowed by the common council.

The common council.

SECTION 2. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the

city of Colby." The common council shall meet, qualify and organize on the first Tuesday of May, of each year, or as soon thereafter as may be, excepting that the first common council elected shall qualify and enter upon the duties of office as soon as elected. A majority of the aldermen, with the mayor, shall constitute a quorum.

Appointment of street commissioner and city marshal.

SECTION 3. At the first meeting of the common council of each year under this act, or as soon thereafter as may be, the common council shall appoint one street commissioner and city marshal (and the two offices may be combined in one at the pleasure of the common council,) for said city, who shall hold his office for one year, and until his successor is appointed and qualified, and whose duties and liabilities shall be as hereinafter provided.

Powers of common council.

SECTION 4. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of laws, provided that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinances, resolutions or by-laws:

Licenses, granting of.

1. To license, regulate and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances or concerts, and the use of billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualling houses, and the persons vending or

dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state.

Gambling, etc.

2. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

Riots, etc.

3. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Abatement of nuisances.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses, location of.

5. To direct the location and management of slaughter houses and markets, and to prevent the erection of or the use and occupation of the same when the offal or filth therefrom shall endanger the health of the inhabitants of the city.

Encumbering of streets.

6. To prevent the encumbering of the streets, sidewalks, alleys or public grounds with any material substance whatever, and to require the removal of snow and other substances by the owners of such sidewalks.

Horse racing, bathing, etc.

7. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing in the waters within the limits of said corporation.

Public pound.

8. To build a public pound, to restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and impounding of the same.

Running at large of dogs.

9. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to an ordinance.

10. To prevent any person from burying, depositing, or having within said city, or place adjacent to said city, any putrid carcass, or other unwholesome substances, and to require the removal of the same by any person who shall have on his premises any such substances or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons. Removal of putrid carcasses, etc.

11. To prevent all persons from riding, driving or leading any horse, mule or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. Damaging of sidewalks.

12. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of firearms, etc.

13. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness and obscenity.

14. To regulate and control the landing of persons from cars and stages wherein any contagious or infectious diseases or disorders exist, and to make such disposition of such persons as to preserve the health of said city. Contagious or infectious diseases.

15. To appoint one street commissioner (and to remove him at pleasure), whose compensation shall be such sum as shall be determined by the council at the time of making the appointment, not exceeding, however, two dollars per day. Street commissioner.

16. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Standard of weights and measures.

SECTION 5. To establish a fire department; to approve or disapprove of the officers elected therefor; to prescribe and regulate their duties; to provide protection from fire by purchase of fire-engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses, rent or purchase any now put up or used therein; to compel the inhabitants of the city to aid in the extinguishment of fires, and to pull down Fire department; fires, etc.

and raze such buildings in the vicinity of fires, as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant and refusal or neglect by him to procure and deliver the same to him, and in default of payment thereof to levy the costs thereof as a special tax upon such real estate, to be assessed and put in the tax roll and collected as other taxes are collected. To require construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipe, and the construction and cleansing of chimneys; to prevent bonfires, and generally to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

Establishing of grades, etc.

SECTION 6. The common council shall have power and authority to establish the grade of any or all streets, gutters and sidewalks in said city, and the said common council shall, on a petition of a majority of the owners of real estate bordering on any street or sidewalk in said city, not less than ten rods in length, establish the grade of such street, sidewalk or gutter, as the case may be; such grade shall be established on the survey of a practical surveyor to be appointed by the said common council, whose compensation shall not exceed the pay allowed by law for like services; and it shall be the duty of the common council to cause the grade of all streets, gutters and sidewalks, when established, to be recorded in the office of the clerk of said city in a book to be provided for that purpose, and when any such grade shall have been so established and recorded, the same shall not be altered or changed, except upon the written recommendation of a practical surveyor, and by the unanimous vote of the common council.

Building and repair of sidewalks.

SECTION 7. The common council shall have power to compel the building and repairing of sidewalks in said city, to control and regulate

their material and construction, and to levy special taxes on the adjoining property for the building or repairing of the same in the manner hereinafter provided.

SECTION 8. Whenever a majority of the resident owners of real estate, or lots bordering on any one side of any street or part of street in said city, not less than ten rods in length, shall desire to have a sidewalk built along the line of such real estate or lots, they shall make out, in writing and sign an application to the common council, in which shall be stated the points where they desire such sidewalk to commence and terminate, and request that such sidewalk be ordered laid, and that a special tax be levied upon the property bounded thereby sufficient to build the same. Same.

SECTION 9. On the receipt of such application, the common council, if it shall deem the building of such sidewalk necessary or expedient, shall prescribe the manner of its construction and the materials of which the same shall be composed, and shall direct the street commissioner to cause the grade to be established for such sidewalk, and to report the cost of building the same along the line of each lot or tract of land bounded thereby. Upon the coming in of such report, the common council shall have power to alter or correct the same, and shall levy such tax and shall direct the clerk to make out and deliver to the street commissioner a list or roll of such tax as is required to build said sidewalk along the line of each lot or tract of land bounded thereby; giving the name of the owners if known, and a description of each lot or tract of land so taxed; whereupon the street commissioner shall notify the persons named in such tax list by delivering to or leaving at the residence of each such person (if residing within said city), a written or printed notice requiring such person therein named to build such sidewalk, to the approval of the street commissioner, and in the manner directed by the common council, along the line of the lot or land so taxed within thirty days, or to pay the amount of said tax in money. In case any person so taxed does not reside within said city, such notice may be served by delivering the same to such person if to be found, or in lieu of such personal Proceedings to build sidewalks.

service, such notice may be posted in three public places in said city.

Warrant to be annexed to tax roll.

SECTION 10. To every such tax list or roll issued as aforesaid, a warrant shall be annexed signed by the mayor, and countersigned by the clerk, commanding the street commissioner to give notice to the several persons named therein, as is provided in section 9 of this chapter, and in case any such person shall have failed to build such sidewalk, for the building of which such tax was levied, within thirty days after such notice, to demand the payment of such tax in money. The street commissioner shall return such tax list or roll to the city clerk within forty days from the time the same shall have been placed in his hands, together with his statement, duly verified, showing what part or parts of said sidewalk has been built as required therein by the several owners of lots and tracts of land along the line thereof, also what part of each such tax has been paid in money and by whom paid.

Building of sidewalk when owner neglects or refuses.

SECTION 11. On the return of such tax list and warrant, if it shall appear that any part of any such tax remains unpaid, the common council may order the street commissioner to complete the building of such sidewalk, and the cost thereof shall be paid out of the general fund of said city, and all such unpaid taxes shall be collected as is provided in section 6 of this chapter, and when collected shall be returned into the aforesaid general fund.

Collection of sidewalk tax.

SECTION 12. Whenever any sidewalk in said city shall, in the opinion of the common council, require repairing or re-building, the said common council may direct the street commissioner to notify the owner or owners of such sidewalk to rebuild the same within twenty days, or to repair the same within twenty-four hours, as the case may be, which notice shall be given as is provided in section 8 of this chapter. In case any such person shall fail to repair or re-build the same within the time required by such notice, the common council shall have authority to direct the street commissioner to re-build or repair the said sidewalk, and to certify and return the expense thereof to the city clerk, and all such costs and expenses shall become a tax against the property bounded by the sidewalk so built or repaired, and

shall be collected as is provided in section 6 of this chapter.

SECTION 13. The city clerk in making out the general tax rolls of said city next thereafter, shall enter therein all such unpaid special taxes for the building and repairing of sidewalks in a separate column, opposite the names and descriptions of the property against which such taxes remain unpaid, and such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected.

Treasurer to enforce collection of taxes, when.

SECTION 14. The street commissioner shall collect the highway taxes of said city, and shall superintend the expenditure of the same under the direction of the common council; and he shall, before entering upon the duties of his office, execute and file with the clerk, a bond to the city of Colby for the faithful discharge of his official duties, in such an amount and with such sureties and conditions as shall be required by the common council and approved by the mayor.

Collection and expenditure of highway taxes by street commissioner.

SECTION 15. The common council of said city shall, on or before the first Monday in May of each year, determine the amount of highway tax for said city necessary to be collected for such year, and shall levy such tax on the assessment of said city for the previous year, which tax shall not be more than two mills on the dollar of such assessed value of said city, and the said common council shall also levy a poll tax not to exceed one dollar and fifty cents upon each male person not exempt by law from the payment of poll tax of the age of twenty-one years and under the age of fifty years, residing within said city; which said poll and highway taxes may be paid in labor or money, as is provided herein. The highway tax roll of each year shall be made out by the clerk and delivered to the street commissioner of said city on or before the first Monday in June of each year, and to each such tax roll a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to demand the payment of such tax therein levied of the several persons and corporations therein named, and such tax may be paid in labor at such rate of compensation as shall have been fixed by common council for such year and not otherwise,

Assessment and collection of highway tax and poll tax.

and the said common council shall, at the time of levying the highway tax for any year, fix by resolution the rate of compensation to be allowed on such taxes for labor, teams, wagons, carts and plows, used in payment of highway taxes for such year. The street commissioner shall give at least three days' notice to each person so taxed and residing within said city, and who may desire to pay such tax in labor, of the time and place where such labor may be performed or teams and utensils furnished, and shall inform such person of the rate of compensation fixed by the common council, and if any person so notified shall fail to appear and work such tax at the time and place he shall be notified by the street commissioner so to do, such person shall be precluded from afterward paying such tax in labor, and the same shall in each such case be paid in money. The street commissioner shall collect all such highway taxes on personal property, and all such aforesaid poll taxes, in the same manner as town treasurers are required by law to collect taxes on personal property, and for that purpose shall have and possess all the powers conferred by law on town treasurers. On the first Monday in October of each year, the street commissioner shall certify and return to the city clerk all unpaid taxes on real estate as appears from said roll, and the clerk shall insert the same in the general roll thereafter, in a separate column opposite the description of the property so taxed, and the same shall be collected therewith in the same manner as other taxes on real estate are collected and paid over to the street commissioner, who shall make a final return of such highway tax roll to the common council, whenever required by the said common council so to do.

CHAPTER V.

TAXES, REVENUE, ETC.

Tax to be raised and collected on taxable property.

SECTION 1. All taxes raised and collected in said city shall be assessed and collected on the taxable property thereof.

SECTION 2. The common council shall, between the second Monday in May and the first Monday

in July in each year, determine the amount of general tax necessary to be assessed and collected the current year for corporation purposes, which shall in no case exceed fifteen mills on the dollar of the assessed valuation of said city; except as hereinafter provided for in the levy and collection of special taxes. The maximum rate of taxation fixed in this and the ensuing section shall not be changed during the life of this charter, except upon petition of one-half of all the legal voters in said city.

Amount of tax to be fixed by common council.

SECTION 3. The common council of said city shall have no power to borrow money, nor shall said city be liable to pay money borrowed on its account or advanced on its behalf by any of its officers, nor shall any of its money or property be applied to any such purpose, nor shall the common council have power to issue any bonds or other evidence of debt payable at a day subsequent to the day of the issue thereof, nor shall the common council issue in any one year, orders upon the city treasurer, greater in amount than the amount of taxes which may be levied and collected under this act for such year; provided, that when it shall be necessary to build or repair bridges in said city, or to provide for other matters of necessity for the benefit of said city, a special tax may be levied for such purpose by the common council, not exceeding five hundred dollars in any one year; if a sum exceeding five hundred dollars may be required, such special tax may be voted by the qualified voters of said city, but no such vote shall be taken unless such special tax shall be first recommended by the common council, nor unless a majority of the votes cast at such election of said city shall be in favor of such special tax, nor unless a notice of the same specifying the purpose for which said tax is to be raised, and the time and place of voting be published in the manner in this act providing for giving notice of city elections, which elections shall be conducted in the manner provided for municipal elections under this act.

Council may not borrow money; special tax to raise money to be submitted to vote of people.

SECTION 4. No account or claim against said city shall be paid until it shall have been presented to the common council thereof for their allowance, and audited and allowed by it, and when any such account shall be so audited, the

Claims against city to be presented to common council before paid.

common council so auditing the same shall endorse thereon or annex thereto a certificate subscribed by it of such auditing, and allowing or disallowing the same in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Itemized account verified to be presented before allowed.

SECTION 5. No account or claim shall be allowed by the common council until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of the account or claims are correct, and that the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any member of the common council, when such account or claim shall be presented to it may administer the oath required in this section, and said common council may examine the claimant on oath as to the items in such account or claim.

Same.

SECTION 6. Nothing in the last preceding section shall be construed to prevent the common council from allowing any claim or account in whole or in part, when so made out and verified, nor from requiring other and further proof of the correctness and reasonableness thereof.

Accounts and claims to be numbered.

SECTION 7. Every account or claim against said city presented to the common council in any year, shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, shall be entered in the record of the proceedings of the common council.

Warrants to show number of account for which drawn.

SECTION 8. Every warrant drawn by the common council to pay any account or claim shall refer to such account by the number, the name of the person in whose favor it was made out and the time it was presented, and of the amount of the warrant, and a memorandum of such reference shall be entered in such records before such warrant shall be delivered to the plaintiff.

Aldermen forbidden to allow claim against city, which city not liable for.

SECTION 9. No alderman shall allow or subscribe a certificate of allowance of any item or any account or claim against said city which said

city shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any alderman sign any warrant for the payment of any such claim or account, or any part thereof; nor shall any alderman vote in the common council on any matter in which he is interested.

Money to be used for purpose for which raised; misapplication of funds, malfeasance in office.

SECTION 10. All moneys raised by virtue of any tax levied upon the property of said city shall be used for the purpose for which such tax was levied, and for no other purpose whatever; and any officer misapplying any such money shall be deemed guilty of malfeasance in office. But nothing herein shall be construed to prohibit or prevent the common council form auditing and paying all just demands and claims against said city which it would be legally bound to pay from the corporate fund thereof.

License moneys to be paid into general fund.

SECTION 11. All moneys derived from licenses issued by authority of the common council of said city, under the provisions of this act or of the excise law of the state of Wisconsin, shall be paid into the treasury of said city for its benefit as a part of the general fund.

Officer of towns of Colby and Hull to continue in office until successors elected and qualified.

SECTION 12. All officers of the towns of Colby and Hull now in office shall hold their respective offices until their successors shall be elected or appointed and qualified under this act.

Physicians to report pestilential or malignant diseases.

SECTION 13. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city, and for neglecting so to do shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city.

Towns of Colby and Hull not to levy highway tax in city.

SECTION 14. No overseer of highways shall be elected in the city, nor any town tax or highway tax be levied therein, or on the property therein by the town of Colby or Hull.

City may purchase tax sale certificates and take tax deeds.

SECTION 15. The city may purchase tax sale certificates and take deeds upon the same in its own name for any land returned by it to the counties for non-payment of taxes.

The city treasurer; his powers and duties.

SECTION 16. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act

or by virtue of any by-law or ordinance of the corporation, and give the persons paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant under the corporate seal, signed by the mayor by order of the aldermen, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatever He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively; and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be opened to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the board of aldermen a minute account of all his receipts and disbursements; and the said treasurer shall be collector of taxes within the corporation, and he shall possess all the powers and perform the duties as such collector as is or may hereafter be conferred upon town treasurers. He shall in the same manner, before receiving the tax rolls of the respective wards, execute his bond to the treasurers of the counties of Clark and Marathon, which bond shall be approved by the mayor of said city, and upon filing the same the treasurers of said counties shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of each ward to him, and the said treasurer shall proceed and collect the taxes in the manner as is by law provided for town treasurers, and shall duly make his return to the county treasurers of his said counties, receiving the same compensation for his services allowed to town treasurers.

The city assessor; his powers and duties.

SECTION 17. The assessor shall assess all the property in the city, and shall perform all the duties, and in the same manner as required of town

assessors, and shall receive the same compensation as now allowed by law.

The city marshal; his powers and duties.

SECTION 18. The marshal, before he enters upon the duties of his office, and within six days after his election or appointment, shall execute an instrument in writing, with two or more sufficiet sureties, to be approved by the mayor, conditioned to pay to each and any person who may be entitled thereto, all such sums of money as the said marshal may become liable to pay, for or on account of any money which may come into his hands by virtue of his office, or for the neglect of any official duty, which writing shall be filed with the clerk of said city, and the said marshal shall possess all the powers and enjoy all the rights of a constable in the counties of Clark and Marathon, and shall be subject to the same liabilities; he shall have power to serve and return summonses, attachments, replevins, executions and all other writs issued by any justice of the peace in the counties of Clark or Marathon, and his return, properly certified thereon, shall be evidence of the service thereof. It shall be his duty to execute and return all writs and process in criminal cases, or for the violation of any ordinance of said city, and he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice in any part of the state, to apprehend any person in the act of committing any offense against the laws of this state or ordinance of the city, and forthwith to bring such person or persons before competent authority for examination, and for all service he shall receive like fees as are allowed to constables; he shall do and perform all such duties as may lawfully be required of him by the ordinances of said city, and he shall have power and authority to appoint one or more deputies, to be approved by the mayor, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

The street commissioner; his powers and duties.

SECTION 19. It shall be the duty of the street commissioner within ten days after his appointment and qualification to inspect all the streets in the city, all sidewalks, crosswalks, ditches,

gutters, culverts and all bridges and approaches thereto, and all matters and things appertaining to the streets, and to report to the common council, recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done and said common council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times, make such other reports as the necessities of the case may require.

Additional duties of street commissioner.

SECTION 20. It shall be the further duty of the street commissioner to employ men, and procure utensils, teams and materials, and whatever may be necessary in performing the street work in said city, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the common council so to do, and shall keep an accurate account of all material procured, and all teams, utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform or cause to be performed, any and all other duties pertaining to his office, that may be prescribed from time to time by the common council; provided, however, that no street commissioner shall contract or create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

Accounts for street purposes to be paid out of highway taxes, etc.

SECTION 21. All accounts against the said city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the highway tax of said city, provided, however, that the expense of building and maintaining any bridge in said city may be

paid out of the general fund. All such accounts for street commissioner purposes shall be duly verified, and when they arose or were created under the direction of the street commissioner, shall be certified by him to be true and correct in all particulars. The street commissioner shall be paid for his services, and for every day's service actually and necessarily rendered, such compensation as the common council and street commissioner shall agree upon at the commencement of his official year, which shall not exceed two dollars per day, and such account for services shall be rendered under oath, as other accounts are. The common council may at any time remove such street commissioner from office by a majority vote of the common council.

Street commissioner to collect highway tax.

SECTION 22. It shall be the further duty of the street commissioner to collect all highway taxes and superintend the laying out of the same under the direction of the common council. He shall possess all the powers and have all the rights in the collection of such taxes as is by law conferred upon road overseers. He shall, before he enters upon the duties of his office, execute to the common council a bond, in such sum, with such sureties and conditions as the said common council shall direct, for the faithful discharge of his official duties.

Cleaning of sidewalks, etc.

SECTION 23. It shall be the further duty of the street commissioner to see that all the ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, alleys, public grounds, gutters and sewers within said city, are duly kept and observed, and direct and control the persons employed therein.

Reports to common council.

SECTION 24. It shall be the further duty of the street commissioner to report to the common council, in writing, when required, the amount of labor, materials or money expended in each ward separately, and also the amount expended on the street running between and dividing the wards, and shall at the close of his official year, make an annual report in writing to the common council, which shall set forth the amount of highway tax paid in money, and the amount paid in labor, also the amount of poll tax collected, the manner in which such moneys have been disbursed and the particular items of such disbursements.

The city clerk; his powers and duties.

SECTION 25. The city clerk shall keep the corporate seal, and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings, and enter the same on record; and shall keep a faithful record of all doings and votes of the inhabitants of said city, at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any and all books, papers, instruments or documents, and all indorsements thereon filed and kept in his office, and transcripts from the records in his office duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and abstracts from any such records or papers so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an account with the treasurer, and charge him with all moneys paid into the treasury. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerks of the circuit courts of Clark and Marathon counties, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerks of Clark and Marathon counties, the election and qualifying of the supervisor or supervisors that may be elected to represent said city in the county board of supervisors; such certificates shall be filed by the clerk of the court and county clerk respectively, and shall be evidence of the election and qualifying of such officers. He shall perform such other duties as are incident to his office, or as may be required of him by the common council, or provided by the statutes. He shall receive such compensation for his services as shall be fixed by the common council, or as may be agreed upon. The

clerk shall have authority to administer oaths and affirmations. Whenever he shall be absent, or from any cause be unable to perform the duties of his office, the common council may appoint a clerk *pro tem.*, who for the time being shall be vested with the powers and duties of the clerk.

The supervisor.

SECTION 26. The supervisor shall represent his ward on the county board, and perform the duties required of him by law as a member thereof.

The city attorney; his duties.

SECTION 27. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such counsel as it may deem expedient. He shall when required furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all the cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor, or any member or committee of the common council. It shall also be the duty of the city attorney when required by the common council, to draft all ordinances, bonds, contracts, leases conveyances and other instruments in writing, necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

Town business of Colby and Hull how settled.

SECTION 28. The town business of the present towns of Colby and Hull up to the time of the taking of effect of this act, shall be settled by the towns of Colby and Hull as they now stand, and the amount of funds remaining, and the indebtedness of the towns shall be apportioned between the towns of Colby and Hull, and the city of Colby according to the amount of taxable property belonging to each as taken from the assessment roll of the year 1890, and their records of the present towns of Colby and Hull shall remain with the clerks of said towns, and the city of Colby shall be entitled to take copies of said records, and such copies shall have the same effect when certified to by the clerks having the custody of the same as the original records

would have; and the dockets of the justices of the peace now residing or holding these offices in said city shall remain in their official keeping until such time as their successors in office are elected and qualified.

Connection between towns of Colby and Hull dissolved.

SECTION 29. From and after the taking effect of this act, the connection between the towns of Colby and Hull, and that part of said towns included within the city limits for all town purposes shall be dissolved. All that part of the towns of Colby and Hull, not included within the limits of said city shall constitute and remain the towns of Hull and Colby, and the first town meeting shall be held on the day now fixed by law at such place as the supervisors of said town may direct.

High school district and pending litigation not. effected.

SECTION 30. Nothing in this act shall be construed in any way to affect the boundary lines of the high school district, nor in any way affect any pending litigation.

City to own and be liable for its share of moneys and claims.

SECTION 31. The city shall own and be entitled to collect, and shall be liable for its portion of the moneys in the town treasuries, and any claims or demands the towns may have against any person, or the counties of Clark and Marathon, for money due or to become due, or other claims, and shall pay its portion of all indebtedness due or claims contracted, or demands accruing before the passage of this act, in proportion to the assessed valuation of the property in the territory comprising the city as appears from the assessment roll for 1890.

Joint school district.

SECTION 32. The joint school district shall remain as it now is until changed in legal manner.

Construction of act.

SECTION 33 This act shall be considered a public act, and shall be construed favorably in all courts and places.

SECTION 34. This act shall take effect and be in force from and after its passage and publication, and all acts or parts of acts conflicting or contravening the provisions of this act are hereby repealed.

Approved April 1, 1891.

No. 841 A.] [Published April 3, 1891.

CHAPTER 129.

AN ACT to amend chapter 132, laws of 1882, and the several acts amendatory thereof, relating to the charter of the city of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 129, of chapter 132, laws of 1882, as amended by section 3 of chapter 527, laws of 1889, is hereby amended so as to read as follows: Section 129. In all the aforesaid cases the findings of the court or jury shall be "guilty" or "not guilty." If "guilty" the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-law or resolution for the violation of which the person or persons shall have been found guilty, and for the costs of the suit; and such judgment shall direct that if the same is not paid, the defendant shall be committed to the county jail of the county of Columbia, there to be imprisoned for a specified time not exceeding six months, which period shall be fixed by the court, in view of all the circumstances of the case, or until otherwise discharged pursuant to law. In such cases a commitment shall issue as in ordinary criminal actions, and such defendant shall not be entitled to the liberties of the jail. This section shall not prevent the issue of an execution to collect such judgment, at any time within the year from its rendition.

Amends chapter 132 laws of 1882, as amended.

Judgment on finding.

SECTION 2. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the fiscal year, except as authorized by section 96, as amended. The fiscal year shall commence on the first day of December, in each year; provided, however, that the common council of the city of Portage may borrow an amount not to exceed the sum of thirty thousand dollars to be used for the purpose of erecting a bridge across the Wisconsin river, in said city, and an amount not exceeding

Council may not borrow money except to build bridge, which cannot be paid out of revenue of year.

the sum of thirty thousand dollars to be used in construction of sewers and drains in said city, and may issue the bonds of the city for the payment of the same, bearing interest not exceeding the six *per centum per annum* payable annually and becoming due in not less than two nor more than twenty years, as the common council may by ordinance prescribe; provided, that the whole amount so borrowed together with the existing indebtedness of said city shall not, in the aggregate exceed five *per centum* on the value of the taxable property in said city to be ascertained by the last assessment for state and county taxes previous to the incurring of said indebtedness, and said city shall at or before the time of issuing such bonds or borrowing such money, provide for a direct annual tax, sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof within the time above limited.

Amends chapter 132, laws of 1882, as amended.

SECTION 3. Section 6 of chapter 132, laws of 1882, as amended by section 6 of chapter 468 of the laws of 1885, and section 1 of chapter 77 of the laws of 1887, is hereby amended so as to read as follows: Section 6. The officers to be elected by the people, shall be a mayor, treasurer, marshal, clerk, assessor, a superintendent of schools, three justices of the peace, and three constables for the city, and two aldermen and a school commissioner for each ward, and one supervisor from each ward. All other necessary officers shall be appointed by the council; provided, that no person shall be elected or appointed to or hold more than one office in the city at the same time. This clause shall not be so construed as to debar members of the board of education or members of the fire department and fire companies, except the officers thereof, from holding city offices. All elective officers, except justices of the peace, aldermen and school commissioners shall, unless elected to fill a vacancy, hold their respective offices for one year and until their successors are elected and qualified; provided, that the superintendent of schools and school commissioners shall be voted for upon a separate ballot; and, provided further, that the council shall have power for due cause, satisfactory to it, to expel any of its

Elective officers of city.

own members; and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for hearing having been first given to the person proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of office of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, except that of the superintendent of schools, which shall commence on the second Tuesday of July next following his election, and the term of office of all appointed officers shall expire on the second Tuesday of April next following their appointment, unless sooner removed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1891.

No. 200, A.] [Published April 10, 1891.

CHAPTER 130.

AN ACT to incorporate the city of Phillips, Price county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

TITLE I.

BOUNDARIES.

SECTION 1. All the district of country in the county of Price contained within the limits and boundaries hereinafter described, shall be a city by the name of Phillips, and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation, by the name of the "City of Phillips," and shall have the general powers possessed by municipal corporations at common Corporation created.

law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing or being sued, of pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries of city.

SECTION 2. The territory included within the following boundaries and limits shall constitute the "City of Phillips," to wit:

BOUNDARIES.

All of government lots numbered one, two, three, four, five, and the northeast quarter of the southeast quarter of section seven. All of government lot numbered one and the east one-half of the southwest quarter of section eight. All of government lots numbered one, two, three, four, and the southeast quarter of the southwest quarter of section seventeen. All of government lots numbered one, two, three, four, five, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, and the west half of the southeast quarter, and the southeast quarter of the southeast quarter of section eighteen; all in township number thirty-seven north, of range numbered one east of the fourth principal meridian in Price county, Wisconsin.

Wards and their boundaries.

SECTION 3. The said city shall be divided into three wards, and the numbers and boundaries shall be as follows until altered by the common council.

WARDS.

First ward.

All the territory, part of said city, lying west of the center of Beebe street and a northerly continuation thereof to the north boundary line of said city, to the center of Maple street, and north of the center of Maple street and a southwest continuation thereof to the west line of said city, shall constitute and be known as the First ward of said city.

Second ward.

All that territory, part of said city, lying east of the center of Beebe street and a northerly continuation thereof to the north limit of said city, and north of the center of Maple street and a northeasterly continuation thereof to

the east boundary line of said city, shall constitute and be known as the Second ward of said city. All that territory of said city not included within the prescribed limits of the First and Second wards shall constitute and be known as the Third ward of said city.

Third ward.

TITLE II.

OF ELECTIONS.

SECTION 1. The elective officers of said city shall be: A mayor, two aldermen from each ward, constituting a common council, a city treasurer, a city clerk, one assessor, two justices of the peace, and one supervisor from each ward to represent such ward in the county board of supervisors of Price county, and one school commissioner from each ward, who shall constitute a board of education. And the appointive officers shall be: City marshal, three health commissioners, constituting a board of health, a city surveyor and such other officers and agents as may be provided for by this act, or as the common council may determine to be necessary.

Elective city officers; appointive officers.

SECTION 2. The annual municipal election in said city shall be held on the first Tuesday in April of each year, at such place or places in such ward or wards as the common council shall designate, at which time there shall be elected by the qualified voters of said city, in the manner herein provided, all officers required to be elected at a general municipal election. The polls of such election shall be opened and closed at the same hours which are and may be prescribed by law for opening and closing polls for general elections in the state of Wisconsin.

Annual municipal elections.

SECTION 3. The mayor, city clerk, city treasurer, one alderman from each ward, one assessor, one justice of the peace, one supervisor from each ward, shall be elected at the annual municipal election on the first Tuesday in April of each year; provided, however, that at the first charter election to be held on the first Tuesday in April, 1891, two aldermen from each ward shall be elected to hold office as follows: One alderman to hold his office for the term of one year, and one alderman

Officers to be elected at annual municipal election; term of office of aldermen.

to hold office for the term of two years; provided, further, that at said election to be held on the first Tuesday in April, 1891, two justices of the peace shall be elected to hold office for two years. Said officers so elected shall enter upon the duties of their respective offices on the third Tuesday in April in the year of their election, and shall hold their offices for one year, except as above provided, and until their successors are elected and qualified.

Two aldermen from each ward.

SECTION 4. Each of the several wards of said city created by this act, shall be represented in the common council by two aldermen who shall be residents of such ward. The first common council under this act shall be organized and enter upon its duties upon the second Tuesday in April, 1891, and shall be composed of the mayor, and two aldermen from each ward.

Vacancies in office of aldermen.

SECTION 5. If any officer remove from the city, or ward officer shall remove from the ward represented by him, or shall engage or continue in any service, business or employment, causing a continuous absence from the city of more than three months, his office shall thereby become vacant, and whenever any vacancy shall in any manner occur in the city or ward offices, the common council shall, within ten days after the vacancy shall happen, fill such vacancy by appointment.

Qualification of electors.

SECTION 6. All persons entitled to vote for county or state officers, and who shall have resided in the city for six months previously to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law.

Election boards, how composed.

SECTION 7. The election in said city shall be held and conducted by the aldermen and supervisor of each ward, who shall be the inspectors of elections in their respective wards, who shall elect one of their number chairman of board of election, and shall take the usual oaths or affirmations as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint two clerks of such elections, and two ballot clerks, and to administer the necessary oaths; and in case of the absence of any or all the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons, to act in their

places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

Oath of voter on challenges; penalty for illegal voting.

SECTION 8. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, the inspectors before receiving the vote of any such person shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year (within this city six months, and within this ward ten days next preceding this election), and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall forfeit and pay a sum not exceeding one hundred dollars ($100.00) nor less than twenty-five dollars ($25.00). It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally for-

feit and pay a sum not exceeding five hundred dollars ($500.00) nor less than one hundred dollars ($100.00.) All such indictments shall be tried in the circuit court of the county of Price.

Canvass and return of votes.

SECTION 9. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Special elections.

SECTION 10. Special elections to fill vacancies or for any other purpose shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

All officers to be on one ballot.

SECTION 11. Votes for aldermen and all other elective officers shall be upon one ballot and shall be deposited in one ballot box.

Vacancies, how filled.

SECTION 12. Should there be any failure by the people to elect any officer herein required to be elected on the day designated, the common council shall fill such vacancy by appointment.

Incumbent of office for remainder of term to possess same power as if elected for full term.

SECTION 13. Every person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

TITLE III.

OFFICERS—THEIR POWERS AND DUTIES

Officers, how to qualify.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified

by the officer taking the same, with the clerk of the city; and the treasurer, clerk, marshal, and such other officers as the common council may direct shall severally, before they enter upon the duties of their respective officers, execute to the city of Phillips a bond with at least two sureties, who shall swear that they are worth in the aggregate, double the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give same, and no alderman or city officer shall be surety on any liquor license bond or on any bond running to the city.

The mayor, his powers and duties.

SECTION 2. The mayor, shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police and fire department of the city, and in case of riot or other disturbance or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of tie. The mayor shall have power to veto any ordinance or resolution passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and in case the council shall not, within one week after the receipt of such objection or such filing with the clerk, reenact such ordinance or pass such resolution by the votes of two thirds of the aldermen-elect, the same shall be null and void No ordinance or resolution shall take effect until one week after

the passage of same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of council; his powers and duties.

SECTION 3. At the first meeting of the common council, in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and acts performed by them or either of them shall have the same force and validity as if performed by the mayor, except the signing of city bonds.

The city clerk; his powers and duties.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council; and in addition thereto they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided. Justices of the peace; their jurisdiction.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty or fine, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. He shall every three months and as often as the common council may require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation, except as herein otherwise provided, and he shall have the same power and be subject to the same liabilities and give bond in like manner and amount, and be governed by the same laws as treasurers of towns; provided, that he shall receive no other fees except the compensation hereinafter provided. The city treasurer; his powers and duties.

The city marshal; his powers and duties.

SECTION 7. The marshal shall attend all the meetings of the common council and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances or breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city, and to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination or trial; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

Additional duties may be imposed upon city officers.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was appointed or elected.

Official city paper.

SECTION 9. The common council at their first meeting in each year, or as soon after as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances and other proceedings, and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public news-

paper, which printing or publishing shall be let by contract to the lowest bidder.

The city printer; his duties.

SECTION 10. The city printer, immediately after the publication of any notice, or ordinance, or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Retiring officer to deliver books and papers to his successor.

SECTION 11. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars ($100), besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state.

Alderman not to be interested in city jobs, or contracts.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in same.

Officers of the peace, who are.

SECTION 13. The mayor or acting mayor, sheriff of Price county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Price county, constables, policemen and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city and for such purpose, may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars ($50); and in case when the civil

power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

The city surveyor; his powers and duties.

SECTION 14. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office to his successor, or, should the common council abolish said office, to the clerk of said city.

The street commissioner; his powers and duties.

SECTION 15. It shall be the duty of the council to elect a street commissioner for the whole city, who shall render his personal service and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the said city, under the direction of the common council and committee on streets and to carry into effect all orders of the common council and committee on streets in relation thereto, and to perform such other duties as may be herein prescribed to be performed by street commissioner, or ordered by the common council. Said street commissioner shall receive a compensation to be fixed by the common council, not exceeding three dollars ($3) per day for the time actually engaged in the discharge of his duties, and shall keep accurate account of all expenditures incurred in the discharge of his duties, and render quarterly accounts thereof to the common council, or oftener if required.

The city assessor; his powers and duties.

SECTION 16. The assessor shall be a resident freeholder of said city, who shall perform all the duties required by law of assessors of property for the purpose of taxation for state, county, city and other purposes; the assessment rolls to embrace the property subject to taxation in each ward separately, and on completion of such assess-

ment, the assessment rolls, with the valuation of such assessor shall be returned as required by law. The assessor shall hold his office for a term of one year, and in case of vacancy in said office by failure to elect or otherwise as heretofore provided, the common council shall fill such vacancy by the appointment of an assessor for said city, at any regular or special meeting.

The police justice; his jurisdiction

SECTION 17. The common council shall elect each year one of the justices of the peace, as police justice, who shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Phillips or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Phillips, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses said justice shall have power, in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior and to keep the peace for a period not

exceeding six months, and in a sum not exceeding five hundred dollars. In case of absence, sickness, or other inablity of such justice, or for any sufficient reason, the mayor, by warrant may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall for the time being possess all the authority, powers and rights of said police justice. All fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finance of said city.

Reports of police justice.

SECTION 18. The police justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city; and said justice shall be entitled to receive from the county of Price, such fees in similar cases as are allowed to other justices in the county for similar services.

TITLE IV.

THE COMMON COUNCIL, ITS GENERAL POWERS AND DUTIES.

Common council, how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "The mayor and common council of the city of Phillips do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings, by notice to

each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Powers of common council.

SECTION 3. The common council shall have the management and control of the finances except state, county and school moneys, and of all other property in the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof and so enforce as they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes shall have authority by ordinance, resolution or by-laws:

Licenses.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibitions of caravans; circuses or theatrical performances, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate all persons vending or dealing in spirituous, vinous, fermented or intoxicating liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous, fermented or intoxicating liquors, shall be governed by the general laws of the state, but in no case shall the sum paid for such license be less than two hundred dollars ($200), and that all such licenses hereafter granted shall run from the first day of May in each year.

Gambling, etc.

2nd. To restrain, prohibit and to suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented, vinous or intoxicating liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Riots, disturbances, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Management of factories, breweries, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses, etc., and combustible material.

5th. To direct the location and management of slaughter houses and markets, and to establish rates and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible material.

Encumbering of streets.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or any other materials or substance whatever.

Horse racing on streets, bathing, etc.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the water within the limits of the city.

Running at large of cattle, etc.

8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of same and to impose penalty upon owners for violation of ordinance relating thereto.

Running at large of dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, and license the keeping of the same.

Depositing putrid carcasses within city.

10th. To prevent any person from bringing, depositing or having within said city any putrid

carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substance of any kind, and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Public pounds, water works, lamps, and licensing of hackmen, etc.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and regulate, license and suppress omnibus driving, hackmen, coachmen, cartmen, draymen and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupation in this city; to provide for lighting the streets, public grounds and buildings with gas or otherwise.

Boards of health and burial of dead.

12th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality and exempt burial grounds set apart for the public use from taxation.

Driving of cattle, etc., on sidewalks.

13th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Shooting of firearms, etc.

14th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Drunkenness and obscenity.

15th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors for boats and vessels, etc.

16th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city.

Butchers' shops, etc.

17th. To regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions, and cause seizure of unwholesome produce.

Removal of snow, etc., from sidewalks.

18th. To compel the owners and occupants of buildings and grounds to remove snow, dirt or

rubbish, from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupid by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Public auctions.

19th. To regulate the time, place and manner of holding public auctions or vendues.

Watchmen.

20th. To appoint watchmen and prescribe their duties.

Standard of weights and measures.

21st. To provide by ordinance for a standard of weights and measures, and for punishment of the use of false weights and measures.

Trees.

22nd. To protect trees and monuments in said city.

Sewers.

23rd. To prescribe and regulate the construction of sewers within the said city.

Highways, streets, lanes and alleys.

24th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from encumbrances, and to protect them from injury.

Change names of streets.

25th. To alter or change the name of any street in the city.

To make, amend, or repeal ordinances, etc.

26th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Ordinances, etc., how passed, and published.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall within fifteen days after their passage, respectively, be published in the official paper of said city, once before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time shall be proved by the affidavit of the foreman or publisher of said newspaper, and

said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Power conferred on council to abate nuisances, no bar to suits by individuals for same purpose.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses of any kind wherein more than ten pounds of gunpower are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, fermented or intoxicating liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Examination and auditing of account of city officers.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall refuse or neglect to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or default-

ing in his accounts or in the discharge of his official duties, and shall make a full record of all adjustment and settlement.

TITLE V.

FINANCE AND TAXATION.

Orders; how drawn on city funds.

SECTION 1. All funds in the treasury, except school, state and county funds shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Annual levy of taxes.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city, a tax sufficient to defray expenses.

Council to issue bonds only when specially authorized.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to build or repair bridges, or school houses, and procure means for fire protection, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes when so levied shall be collected at the same time as other city taxes are collected.

City orders.

Special taxes to pay interest on bonds.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the

purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the city of Phillips or which may hereafter be issued by said city, by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes when so levied shall be collected at the same time other city taxes are collected.

Accounts against city to be verified.

SECTION 5. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

Appeals from action of council disallowing claims.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Price, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge, or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Duty of city clerk on appeals.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bonds and all papers in the case in his possession, with the clerk of the circuit court for the county of Price and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council, upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance,

the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

Claim against city to be presented to council before action maintainable.

SECTION 8. No action shall hereafter be maintained against the city of Phillips, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Determination of council conclusive except in certain cases.

SECTION 9. The determination of the common council disallowing in whole or in any part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

TITLE VI.

OPENING OF STREETS AND ALLEYS.

Proceedings to lay out or widen streets, alleys, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the wards where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there

be, or if any portion of said lands shall not be in the actual occupation of such person, then the common council shall cause such notice, describing as near as may be, the premises to be taken, to be published in the official paper four weeks successively, at least once in each week.

Notice of application for appointment of jury to condemn lands.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Price, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Appointment of jurors; their qualifications.

SECTION 3. Upon the presentation of such application and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in such precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take such premises for the purposes specified in such application; and the said jurors, before entering upon the discharge of their duties as such jurors in the premises, shall take an oath to faithfully and impartially to discharge their duties as such jurors, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Service of precept on jurors.

SECTION 4. The city marshal shall serve such precept immediately on the jurors therein named, by reading the same to every one that can be found, and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same; together with his doings thereon.

Appointment of talesmen.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from act-

ing, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jury to be sworn.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Proceedings.

SECTION 7. The said jurors shall, at such time as they shall agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order upon their proceedings, confirming said report, and directing the same jurors, within twenty days thereafter, or at such future time as shall be necessary to again view the said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall refuse or neglect to serve in ascertaining the amount of compensation as above; and all the jurors before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent

officer, that they are freeholders of said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Assessment of value of buildings.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him of having such building taken from him; and secondly, the value of such building to him to remove.

Service of notice of determination of jury.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not know, or a non-resident, notice to all parties interested shall be given, by publication in the official paper or papers of said city three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken with the land appropriated, or of their intention to remove such building. They shall have such time for this purpose as the common council may allow.

Sale of buildings if owner elects not to take same; disposition of proceeds.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Assessment of value of real estate.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken and the injury arising to them

respectively in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of the building or buildings, according to section 8 of this chapter.

Award of damages when lands belong to different persons, or encumbered.

SECTION 12. If the lands or buildings belong to different persons or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award to be signed and returned to council.

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept.

Appeal from award of jurors.

SECTION 14. Any person whose property is taken or against whom assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Price county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section 6 of title V of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof, within ten days, as aforesaid.

Land not to be taken until damages paid or tendered.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit; and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment report, and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

Proceedings void unless damages paid or tendered within one year.

SECTION 17. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment and report, the damages assessed in such case; and whenever such damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings and to take and appropriate such lands for the purposes required.

City may pay or tender damages within one year.

SECTION 18. When the whole of any lot or tract of land or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same, or any part thereof, shall upon the confirmation of such report, respectively cease, and be absolutely discharged.

When lands under lease taken, contracts, etc., at an end.

SECTION 19. When only part of a lot or tract of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, all the convenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for in respect to the same.

If part only taken contracts, covenants, etc., not discharged as to remainder.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Price county, or in his absence the judge of any court of record in said county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Guardian for infant party in condemnation proceedings to be appointed.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or en-

Survey of public grounds, streets, etc., laid out, when, etc., to be filed with city clerk.

larged under the provisions of this title, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

TITLE VII.

ASSESSING, LEVYING AND COLLECTION ON TAXES.

All property in city except such exempt by state laws subject to taxes.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Power of assessors.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity may require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Assessor to give notice of hearing, objections to assessment.

Board of equalization; its powers and duties.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct same; provided, however, the board of equalization shall not have the power to increase the amount of said roll, except by the

value of such real property as may have been omitted by the assessors.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosesoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment set aside or declared void, to be re-levied in such manner as they shall by ordinance direct; provided, that the defect was in the assessment; the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Lots or lands omitted in preceding years may be included.

SECTION 5. The mayor, city clerk, city treasurer and the assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Board of equalization, how constituted.

Assessment roll revised and corrected to be filed with city clerk.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon, the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes and assessments to be a lien on property on which assessed.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which the same may be assessed, from the time of the confirmation of such assessment roll and on all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof until such tax shall be paid; and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Preparation of assessment roll.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five *per centum* for the expense of collection, in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down, as the valuation of the real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as one cent.

Duplicate copy of assessment roll to be filed with treasurer.

SECTION 10. The city clerk shall immediately make out a duplicate copy of such assessment roll, when thus completed, and deliver the same to the treasurer, on or before the second Monday in December in each year.

Warrant to be annexed to assessment roll.

SECTION 11. To each assessment roll so delivered, a warrant under the hand of the city clerk

and the corporate seal of said city, shall be annexed, substantially in the following form:

The state of Wisconsin,

To the city treasurer of the city of Phillips, in the county of Price:

Form of warrant.

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of real estate therein described, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described, and in case any person or corporation upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Price, on or before the last Monday in January next, the sum of ..... for state taxes, you are to retain and pay out as city treasurer the sum of ..... according to law, and the balance of said money you are required to pay to said treasurer for county purposes. And in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of said county of Price.

Given under my hand and the corporate seal of the city of Phillips this .... day ...., 18..

.....

City Clerk.

SECTION 12. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Warrant and assessment roll prima facie evidence that lands and persons therein named were subject to taxation.

SECTION 13. All the general laws of this state which are now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

General laws on subject applicable to city.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give pub-

Treasurer to give notice that tax list is in his hands for collection.

lic notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are levied), has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Treasurer's fees; books, blanks and stationery.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two *per centum* upon all taxes collected by or paid to him prior to the second Monday in January in each year, and five *per centum* upon all taxes or assessments paid to or collected by him after the second Monday in January; and in case of a distress sale made by him of goods and chattels, for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer; and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

Treasurer to pay county treasurer state tax before third Monday of January.

SECTION 16. The treasurer shall, on or before the third Monday in January, in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of lands and personal property in said city.

Directions herein to be considered directory merely.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with

the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes, and the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Party bringing action to set aside assessment, etc., to pay tax before suit brought.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter 18, of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter 18, and as are prescribed by chapter 198, of the general laws of 1860, and any act that may be hereafter passed amendatory to such acts, or in addition thereto.

Duties of city treasurer when owner refuses or neglects to pay taxes on personal property.

TITLE VIII.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fireproof materials, and to prohibit the repairing or re-building of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the vio-

Fire limits; construction of buildings.

lation of any resolution or ordinance passed under this section.

Construction of chimneys, fire places, etc.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and cause the same to be removed or placed in a safe condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as they may prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen fire wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Purchase of fire-engines and apparatus.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up.

Fire companies.

Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work or poll tax, and from serving on juries and from military duty, except in case of war, insurrection or invasion during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter ex-

empt from poll tax and military and jury duty, except in cases as before mentioned.

Meetings of fire companies.

SECTION 4. There shall be a meeting of said companies on the third Monday in April in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and one assistant engineer, and one treasurer, and the common council shall thereupon confirm or reject such nominations; and the person so appointed shall perform such duties as the common council shall prescribe. In case the common council shall reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council.

Fire wardens; their powers and duties.

SECTION 5. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the council may prescribe, and they may at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting same.

One-half of fines collected for violations of ordinances, etc., to be credited to fire department.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered, and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Person refusing to obey lawful order of officer at fire may be imprisoned.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars ($20.00).

Sack companies.

SECTION 8. The common council shall have power to organize a sack company, or to counte-

nance any such company now organized, which shall be known by such name as they shall select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Phillips, and are hereby vested with all the power and authority which now is or hereafter may be vested in any other police officer in the city and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall as far as it may be in their power, preserve the same from destruction. Such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer of fire department; his powers and duties.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Election of officers of fire companies.

SECTION 10. There shall be elected by the members of each company aforesaid annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by

resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Price, a list of all persons who are members of either or all of said companies exempt from said jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of said board; and such board shall not place the names of such persons on the jury list for the ensuing year.

Record of members of fire companies to be kept by city clerk.

TITLE IX.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the title and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Actions to be brought in name of city.

SECTION 2. In all presecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

First process shall be summons unless oath made for warrant.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

Form of summons.

County of Price, }
City of Phillips. }

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city of Phillips:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at my office in said city, on the ..... day of ....., 18.., at .... o'clock, in the .....noon, to answer to the city of Phillips, in a plea of debt, to the damage of said city, one hundred dollars ($100.00) or under.

Given under my hand at said city, this ..... day of ....., 18...

C. D,
Justice of the Peace.

Summons, when returnable; proceedings.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

SECTION 5. When the action is commenced by summons the complaint may be substantially in the following form:

Form of complaint.

The City of Phillips, }
against }
A. B. }

In justice court before C. D., justice.

The plaintiff complains against the defendant, for that the defendant, on the ..... day of ....., 18.., at the said city, did violate (section ...., of chapter ...., of this act, or section ...., of an ordinance or by-law or regulation of said city, describing it by its title), which said ..... is now in force. By reason of such violation, an action hath accrued to the city of Phillips, to recover of the defendant the sum of .... dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant for the complaint, shall be made an oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: Form of complaint for warrant.

City of Phillips, against A. B. } In justice court, County of Price. } ss. Before C. D., justice.

....., being sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Phillips, in said county, that A. B., on the .... day of ....., 18...., at said city, did violate (section ..... of title ..... of this act, or section ..... of an ordinance, or by-law or regulation of said city, describing it by its title), which said ..... is now in force, as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Phillips therefor.

Sworn and subscribed to before me, this .... of ....., 18...

.....

It shall be sufficient to give the section and title of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms:

County of Price, City of Phillips. } ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Phillips, greeting: Form of warrant.

Whereas, ... has this day complained to me in writing, on oath, that A. B., on the .... day ....., 18...., at said city, did violate (section ...., of title ...., of this act, or section ...., of an ordinance, or by-law, or regulation of said city, describing it by its title), which said .... is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B. and bring him before me forthwith,

to answer to the city of Phillips on the complaint aforesaid.

C. D., Justice of the Peace.

Proceedings on return of warrant.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court to do so, shall recognize with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Price county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Printed copy of ordinance, etc., published in newspaper prima facie evidence of due passage and publication.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Witnesses and jurors to attend in all city suits without payment of fees in advance.

SECTION 8. Witnesses and jurors shall attend before said justice of the peace in all city and criminal suits, without the payment of fees in advance or a tender thereof, upon process duly served; and in default thereof their attendance may be compelled by attachment.

Judgment of court on finding.

SECTION 9. In city prosecutions the findings of the court or jury shall be either guilty or not guilty. If guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of

time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

County of Price, }
City of Phillips. } ss.

Form of execution.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of said city, and to the keeper of the common jail of said county, greeting:

Whereas, the city of Phillips on the .... day of ....., 18.., recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against ....., for the sum of ..... dollars, together with ..... dollars and ..... cents, costs of suit, for the violation of (section ....., of title ....., of this act, or section ....., of an ordinance or by-law or regulation of said city, describing it by its title); you are hereby commanded to levy distress of the goods and chattels of said ....., excepting such as the law exempts, and make sale thereof according to law to the amount of said sums together with your fees, and twenty-five cents ($.25) for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said ...., and him convey and deliver to the keeper of the common jail in Price county; and said keeper is hereby commanded to receive, keep in custody in said jail, the said ....., for the term of ....., unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged, by due course of law.

Given under my hand this .... day of ..... 18..

C. D., Justice of the Peace.

The form of commitment shall be substantially the same as that of execution, omitting all that relates to levy and sale and return of writ.

Appeals from justices' judgments within twenty-four hours.

SECTION 10. Any defendant feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment, to the circuit court of the county of Price; provided, such defendant within twenty-four hours enter into a recognizance, with one or

more sufficient sureties, to be approved by said justice, conditioned to appear before such court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket, in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from such judgment, as in other cases before justices of the peace.

Appeal to stand for trial in circuit court unless jury waived; notice of trial not necessary.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived, in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered; and no notice of trial shall be required to be given by either party.

Judgment on appeal.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution or by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Inhabitancy of city does not disqualify judge, justice, juror or witness.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Actions, rights and penalties heretofore accrued to vest in city.

SECTION 14. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process on city, how made.

SECTION 15. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city and it shall be the duty of the mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by or-

dinance or resolution of said council may be in such cases provided.

SECTION 16. Change of venue shall be allowed and may be taken from police justices in all cases in the same manner as before justices of the peace, as now provided by the general laws of the state, and in case the justice before whom the action is taken resides outside the city limits, nevertheless such justice shall have full and complete jurisdiction in all respects as freely as though he were acting justice of the peace of the city of Phillips, and shall be governed in all respects by the provisions of this act, and ordinances of the city of Phillips, and the by-laws and regulations of said city.

Changes of venue.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 9, of this act.

Disposition of penalties and forfeitures.

SECTION 18. All fire-engines, hose carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Apparatus used in extinguishing fires exempt from attachment or execution issued against city.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any debt or obligation of said city, or on any judgment against said city.

Property of inhabitants exempt from attachment or execution for city's debts.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulation of said city, the court before whom the same is tried, shall have power to sentence the defendant to a term of imprisonment in the common jail of Price county, for any period not exceeding six months.

Defendant convicted of violation of ordinance may be sentenced to county jail.

SECTION 21. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

Mayor may grant pardons.

TITLE X.

OF SCHOOLS.

School district; board of education.

SECTION 1. The city of Phillips shall constitute a school district, and matters pertaining to the control, management and government thereof shall be vested in the board of education, consisting of one school commissioner from each ward, which said board shall be a body corporate, by and under the name of the board of education of the city of Phillips, with power of contracting and being contracted with, of suing and being sued, and shall have perpetual succession by and under that name.

Meetings of board of education.

SECTION 2. The board of education shall meet at the council rooms, in the city of Phillips, on the second Monday in July, at 7 o'clock in the afternoon, and at such meeting shall choose from members, a president, a vice president, a secretary, and said secretary shall receive such salary as the board may direct, not to exceed one hundred dollars *per annum.*

Duties of president.

SECTION 3. The president shall be the executive officer of the board and shall preside at all meetings of the board, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district he shall appear on behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring the appropriation of money, or the adoption of new text books, the vote shall be taken by ayes and noes, and on other questions the ayes and noes shall be called when any member shall request it.

Duties of secretary.

SECTION 4. The secratary shall attend all meetings of the board, keep a true record of all the proceedings thereof, take the school census of the city annually, assist in grading the schools, and visit and report the condition of any school in the city when directed by the board, make all reports

required by law to be made by such board and record the same, to safely keep and preserve all records of the board, and deliver the same to his successor in office, and do and perform any and all other services that may be required of him by the board.

Rules and regulations.

SECTION 5. The board of education may make all necessary rules and regulations for its government and proceedings, and in the absence of the president of the board may elect from its own number a presiding officer *pro tempore.*

Meetings.

SECTION 6. The board may meet from time to time, and at such place in the city as it may designate, and a majority of the commissioners shall always be required to constitute a quorum.

Clerk to record proceedings and take school census.

SECTION 7. The clerk of the board shall keep a record of the proceedings of the board, in a book to be provided for that purpose, and shall record copies of all official reports made by the board, or the superintendent of schools. He shall also, under the direction of the board, take the annual enumeration of the scholars residing in the city at the time prescribed by law, and shall keep and preserve all books, records, papers or other property belonging to his office, and deliver the same to his successor in office.

Powers of board.

SECTION 8. The board of education shall have power:

1st. To organize and establish such and so many schools in the city, and in the several wards, as it may deem necessary, and required for the public good, and alter or discontinue the same at pleasure.

2nd. To have the custody and safe keeping of the school buildings and lots, the books, furniture, school apparatus and appendages, and all the property belonging to the schools.

3rd. To contract with and employ, in behalf of the city, all teachers in the schools of said city, under the direction of said board, and who shall have been licensed, and at its pleasure remove them.

4th. To hire buildings suitable for school-houses, and lease sites for the same, and to purchase necessary fixtures, furniture and apparatus for the schools of the city; but only with the consent of the common council as hereinafter provided.

Council to fix teachers' salaries.

SECTION 9. It shall be the duty of the board of education, before the commencement of the school year, annually to determine the amount of salaries or wages to be paid to the teachers in the several schools and grades respectively, for the year then next ensuing, and report the same to the common council for its action.

Same.

SECTION 10. The common council shall consider the report or reports so made, and shall act thereon, and by resolution fix the salaries or wages to be paid to the teachers in the several schools respectively, according to grades, which resolution shall be certified by the city clerk to the board of education, and thereafter such board shall not contract for the payment of any salary or wages greater than the sum fixed in said resolution, except by the special order of the common council.

Estimate of expenditure for school purposes.

SECTION 11. The board of education shall also, annually before the close of the school year, make estimates of the expenses for necessary repairs to school buildings, furniture, apparatus, school room fixtures, incidentals, fuel, cleaning and care of rooms and rent of buildings, necessary to be incurred in the next ensuing year, and file the same with the city clerk.

Rules and regulations for schools.

SECTION 12. The board of education shall, from time to time, make such rules and regulations for the government and organization of schools, for the reception and instruction of pupils, and their transfer from one school to another, and for the promotion and good order and discipline in schools, as to it shall seem expedient, and also for the care and management of the several school rooms, fixtures, furniture and apparatus in the city, and shall establish the text books to be used therein.

Non-resident pupils.

SECTION 13. The board of education shall have power to allow the children of persons not resident in said city to attend any of the schools therein, upon such terms as the board shall, by resolution, prescribe, fixing the tuition therefor; provided, that no such pupil shall be received until he or she shall have paid into the city treasury in advance for the current term the amount of tuition fixed by said board to be paid therefor.

Reports of board of education.

SECTION 14. It shall be the duty of the board of education to report to the common council on

the first Monday of August, in each year, the condition of the several schools in said city, the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since its previous report, and also to do and perform all other duties that may be required by any general law of this state to entitle the schools of said city to participate in and enjoy the benefit of school money or school fund apportioned among the schools of the state.

Teachers' wages, how audited and paid.

SECTION 15. The teachers' wages and all moneys due upon contract under this chapter, shall be audited by the board of education and paid by an order on the treasury, signed by the president of the board and the secretary, and specifying on its face the purpose for which it was drawn.

Supplies exceeding fifty dollars in value to be furnished by contract.

SECTION 16. All the supplies of the several school houses and schools, exceeding fifty dollars shall be furnished by contract let to the lowest bidder by the board of education, subject to the approval of the common council.

Members of board to have no interest in contracts.

SECTION 17. No member of the board of education shall have any interest, directly or indirectly, in any contract, made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

Title to school property to be in city of Phillips.

SECTION 18. The title of the school houses, sites, furniture, apparatus and appurtenances, and all other property herein mentioned, shall be vested in the city of Phillips, and the said city may accept, hold and dispose of any real or personal estate transferred to it, by gift, grant or bequest or devise for the use of schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by other designation, or to any person or persons or body for the use of said schools.

Members of board not to receive any compensation.

SECTION 19. No member of the board of education shall receive any compensation whatever for services rendered on any committee of said board, under any pretext whatever, except when a member of said board shall be elected secretary thereof, he may receive such salary as is herein provided for said secretary.

Schools in town of Worcester.

SECTION 20. The present management of the schools in said town of Worcester shall continue intact until the first Monday in July, 1891, from and after which date the connection between said city and the town of Worcester, in school matters shall absolutely cease. The board of school directors of the town of Worcester shall, on the thirtieth day of June, 1891, when the school moneys then in the hands of the town treasurer, belonging to each sub-district therein, as well as moneys to become due, shall be ascertained, and the sum so due, or to become due sub-district number one, shall be transferred to said board of education of the city of Phillips, the said board of directors drawing an order therefor on said town treasurer in favor of the city treasurer of said city of Phillips. The school house and site of sub-district number one together with all text-books in actual use, and all school apparatus therein, shall from and after said thirtieth day of June, 1891, vest in said city of Phillips.

TITLE XI.

MISCELLANEOUS PROVISIONS.

Work to be let by contract to lowest bidder.

SECTION 1. All work for the city or either of the wards, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

Appropriations to be made only for authorized purposes.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Judgments not to be remitted or discharged.

SECTION 3. No penalty or judgment recovered in favor of the city, shall be remitted or discharged, except by a two-thirds vote of the aldermen-elect.

Surveys of streets, alleys, etc.

SECTION 4. The common council may at any time cause a new and accurate survey of the line and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the

office of the register of deeds of the county of Price.

SECTION 5. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in the state.

Surveys and landmarks prima facie evidence of lines and boundaries.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Price county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefrom, shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city from ordering, or causing to be done, the grading of any street within their ward to a temporary grade, to be established by such commissioners.

Grade of streets, changes may be made in same.

SECTION 7. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

City may purchase, hold or sell necessary property; same exempt from taxation.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation, as other real estate under this act.

All property liable for special taxes

SECTION 9. Every individual, or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Phillips, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city, adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons, or corporation making such

Manner of platting additions to city.

plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, said person or persons, or corporation, may cause such plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Price to receive such plat for record or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid, approving the same, being entered or affixed thereto, shall forfeit a sum not less than fifty dollars nor more than one thousand dollars.

Deeds by city, how executed.

SECTION 10. When the city of Phillips deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Phillips, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor authorized to execute leeds.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

Copy of resolution directing transfer to be attached to deed or lease.

SECTION 12. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached, and the record thereof, shall be in all courts in this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

SECTION 13. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws, or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

Elections not held at time herein directed may be held at subsequent time.

SECTION 14. The common council shall have power to appropriate a sum not exceeding three hundred dollars, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen-elect.

Council may appropriate three hundred dollars to public purposes.

SECTION 15. The common council shall have power to levy and provide for collection from every male inhabitant of said city, being over the age of twenty-one years and under the age of fifty years, excepting paupers, idiots and lunatics, and members of the fire department, a poll tax of one dollar and fifty cents. Said tax may be paid in cash or commuted for in labor, at the rate of one dollar and fifty cents per day. The street commissioner shall collect said tax, and enforce the collection of the same, in the same manner as provided by the general laws of the state.

Poll tax.

SECTION 16. The common council of said city, and the town board of the town of Worcester, shall meet on the third Tuesday in April, A. D. 1891, and proceed to make a settlement of all matters between said city and town.

Meeting of town board of Worcester and council to settle affairs between them.

SECTION 17. The town of Worcester shall hold its annual town meeting in the spring of 1891, at the town hall in the city of Phillips, and thereafter at such place, within said city or town as the town board of said town may direct; provided, that such elections shall be at the expense of said town, and provided further, that should the town of Worcester so desire it may keep its offices within the limits of said city.

Annual meetings of town board of Worcester.

Annual elections, where held and how conducted; first election.

SECTION 18. The first election under this act shall be held in the court room of the court house, in the village of Phillips, the same to be conveniently divided for the accommodation of the three wards herein provided for; the electors of each of said wards meeting thereat at nine o'clock in the forenoon, on the first Tuesday in April, 1891, and shall organize by electing a board of inspectors for each of said wards from the qualified electors thereof, respectively, said board when so elected, to appoint two clerks of election for their respective wards, said vote to be counted and canvassed as herein provided for, and filed with the town clerk of the town of Worcester. The town board of said town of Worcester, with said town clerk, shall meet within five days thereafter and canvass said vote, and of the persons found to be elected to the several offices herein provided for, the said town clerk shall give immediate notice to each of said officers of his election, by due certificate of the same. Notice of said first election to be given by the sheriff of Price county in the same manner as notices for general elections, not less than five days prior to said first Tuesday in April, 1891; two ballot boxes for each of said wards to be provided at the expense of said city. No officer of said city, elected or appointed under the provisions of this act, shall receive any compensation whatever for his services as such officer, excepting the city clerk, assessor and street commissioner, who shall receive such compensation as may be provided by the common council, and further, excepting marshal, justice of the peace and city treasurer, who shall receive the fees to which they are entitled by general law, and no more.

Price county board to regard city as a town in equalizing assessment roll.

SECTION 19. The board of supervisors of the county of Price shall regard the city of Phillips as a town, in equalizing the assessment roll of the several towns in said county, as provided by law, and shall receive the supervisors of said city as members of the county board. The said board of supervisors may levy a tax or taxes, as now is, and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the man-

ner provided by law in relation to towns or town clerks.

SECTION 20. The plats of the village of Phillips and the additions thereto, heretofore executed and recorded, are hereby adopted as plats of the city of Phillips, and the additions thereto, and the real estate included in such plats, and the real estate not yet platted within the outside boundary line, may be hereafter described by lots and blocks, and by describing the plats as the original plat of the village of Phillips, now city of Phillips, or the plat of a specified addition to the village of Phillips, now city of Phillips, and, in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty. Village plats adopted as plats of city.

SECTION 21. The use of the jail of Price county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders; and every such offender may be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible, as in other cases. City may use county jail for confinement of prisoners.

SECTION 22. This act shall take effect and be in force from and after its passage and publication,

Approved April 2, 1891.

No. 238, A.] [Published April 10, 1891.

CHAPTER 131.

AN ACT to incorporate the city of Greenwood, Clark county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

FORMATION AND BOUNDARIES.

SECTION 1. From and after the first Tuesday in May, 1891, all that territory in the county of Clark, Corporation created.

and state of Wisconsin, hereinafter described shall be and remain a city, by the name of Greenwood, and together with the people who now or may hereafter inhabit the same shall constitute a municipal corporation by the name of the city of Greenwood, having the same rights, privileges, immunities and powers possessed by such corporations at common law, together with such as are hereinafter specially granted. Said municipal corporation, by the authorities thereof, shall have perpetual succession and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded with, in all courts of law and equity, and shall have a common seal.

Boundaries of city.

SECTION 2. The southwest quarter and the west half of the southeast quarter of section number thirty five; the southeast quarter and the east half of the southwest quarter of section number thirty-four, in township number twenty-seven north, of range number two west; the east half and the east half of the west half of section number three; the north half of the northeast quarter and the northeast quarter of the northwest quarter of section number ten; the north half of the northwest quarter and the northwest quarter of the northeast quarter of section number eleven; the west half and the west half of the east half of section number two, in township number twenty-six north, of range number two west, shall be the district comprised in the said city of Greenwood.

One ward.

SECTION 3. The entire city described in the foregoing section shall comprise one ward.

CHAPTER II.

OFFICERS AND ELECTIONS.

City officers.

SECTION 1. The officers of said city shall be a mayor, four aldermen, a city treasurer, a city clerk, city attorney, city assessor, a marshal and street commissioner, two justices of the peace, one police justice, a supervisor to represent said city on the county board, and one health officer; and such other officers as the common council may from time to time deem necessary.

SECTION 2. The annual charter election shall be held on the first Tuesday in May in each year, at such place as the common council shall designate. The polls of such election shall be open at nine o'clock in the forenoon, and closed at five o'clock in the afternoon; ten days previous notice of the time and place of such election and of the officers to be elected shall be given by the city clerk by publication in the official newspaper of said city, and by posting three written or printed notices thereof in public places; in all other respects the election shall be conducted as is prescribed by the general laws of the state; provided, however, that failure to give such notice shall not invalidate said election. Annual election, when and where held and how conducted.

SECTION 3. The mayor, treasurer, clerk, aldermen, assessor, justices of the peace, supervisor and police justice shall be elected by the people. Elective city officers.

SECTION 4. The other officers shall be appointed by the mayor and confirmed by a majority of the members of the common council voting in favor of such confirmation. Appointive city officers.

SECTION 5. The mayor, clerk, treasurer, assessor, attorney, marshal and street commissioner, supervisor and health officer, shall hold their offices respectively for the term of one year, and until their successors are duly elected and qualified. The aldermen, justices of the peace and police justice shall be elected for the term of two years respectively, and shall hold office until their successors are duly elected and qualified; provided, however, that at the first annual election held under this charter, on the first Tuesday in May, 1891, two of said aldermen shall be elected for the term of one year. Term of office of various city officers.

SECTION 6. No person shall be eligible to an office created by the provisions of this act, who is not at the time of his election a citizen of the United States and of this state, and a resident elector of the city. Qualification of city officers.

SECTION 7. The term of office of the mayor and aldermen shall commence upon their election and qualification. The terms of all the other officers shall commence upon the second Tuesday in May, succeeding their election or appointment. Terms of mayor and aldermen to commence upon election and qualification; others on second Tuesday in May.

SECTION 8. All elections shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an office shall Elections to be by ballot; ties.

receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as such common council shall direct.

Salaries of officers.

SECTION 9. The clerk, attorney, marshal and street commissioner, health officer, assessor, and police justice shall receive such yearly salary as shall be hereafter determined by the common council; the treasurer shall receive such compensation as is allowed by the general laws of this state to town treasurers; the supervisor shall receive for his service in attendance upon the county board meetings such compensation as is allowed by law to the chairman of a town; all the other offices named herein shall be honorary and without compensation.

Vacancies, how occurring and how filled.

SECTION 10. When any officer elected or appointed shall remove from the city, or when any such officer shall refuse or neglect, for the space of ten days after official notification of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office to be filled by an election by the people, more than thirty days prior to the general charter election, the common council may order a special election, upon a public notice to be given five days in like manner as notice is given of a general charter election, for the election of a person to fill such vacancy; and whenever a vacancy shall occur in an office to be filled by appointment, the same proceedings shall be had to fill such vacancy as are provided for in case of an appointment in the first instance.

Special elections, how conducted.

SECTION 11. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors and clerks of election, in the same manner, and the returns thereof shall be made in the same manner and form as of the general charter elections, and within such time as prescribed by law.

Officers, how to qualify.

SECTION 12. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the clerk within ten days after notice of his election, and in case of his fail-

ure to file the same within the time indicated, the office shall be deemed vacant.

Official bonds of city officers.

SECTION 13. The city treasurer, justices of the peace, marshal, and such other officers as the common council shall direct, shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond in such sum as the common council may determine, with two or more sureties, conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the common council may prescribe. The common council may at any time require new and additional bonds of any city officer. All bonds must be approved by the mayor; and when so approved they shall be filed in the office of the city clerk within ten days after the officer executing the same shall have been notified of his election; and when so approved and filed shall be recorded by the city clerk in a book kept for that purpose; such clerk shall annex to such record a certificate that the same is a true copy of the original, and such record shall be *prima facie* evidence of the contents of such bond; and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace and marshal shall also give bond as required by statute.

Removal of officer; to first be given an opportunity to be heard.

SECTION 14. Every officer elected or appointed to any office may be removed from such office by a vote of three-fourths of all the members of the common council; but no officer shall be removed except for cause, nor unless charges are preferred against him, and an opportunity given him to be heard in his own defense. The common council shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to determine such case upon the merits thereof. The mayor may suspend any officer against whom charges have been preferred, until the disposition of the same.

The mayor; his powers and duties.

SECTION 15. The mayor shall be the chief executive officer of the city; he shall take care that the laws of the state and the ordinances of the city are enforced and observed; and that all the officers of the city discharge their respective duties. He shall from time to time give the common

council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at all meetings of the common council; he shall sign all agreements, contracts, licenses and permits granted by such common council; he may in case of riot, appoint as many special policemen as necessary. He shall have the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liability, he shall communicate his objections in writing to the common council within three days (Sundays and legal holidays excepted) after such ordinance, rule, regulation, claim, or resolution, is submitted to him for his approval. If, upon the return of such veto message, three-fourths of all the common council vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

President of the council.

SECTION 16. The common council shall, at its first meeting after organization in each year, choose from the number a president; and in the absence of the mayor said president shall preside at all the meetings of the common council; and during the absence or inability of the mayor to discharge the duties of his office, the president shall exercise all the power and discharge all the duties of the mayor. The president while in the discharge of any of the duties of the mayor shall be styled "acting mayor," and any act performed by him as such shall have the same force and effect as if performed by the mayor; but he shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or any proceeding whatever, which the mayor has refused to sign and communicated such refusal to the common council.

The city clerk; his powers and duties.

SECTION 17. The city clerk shall have the care and custody of the corporate seal and all the papers and records of the city. It shall be his duty to attend all meetings of the common council and keep a full record of their proceedings; to record all ordinances and bonds in a book kept for that purpose; to keep a record of all licenses granted, which record shall at all reasonable times be open to the inspection of the public; to

carefully preserve all receipts filed with him except as otherwise herein provided; and to draw and sign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the commoun council, and shall keep a full and correct account thereof in books provided for that purpose. He shall have the power and authority to perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer and charge him with all tax lists presented to him for collection, and all sums paid into the treasury. Within thirty days prior to the annual charter election, he shall cause to be published in the official paper of the city a financial statement, showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office and transcripts of the proceedings of the common council certified by him under the corporate seal of the city, shall be evidence in all courts and places, in like manner and with the same force and effect as though the originals were produced. He shall have power to administer oaths and affirmations authorized to be taken by and under the laws of the state; and shall perform such other duties as shall be required of him by the common council. He shall appoint a deputy, in writing under his hand, and shall file such appointment in his office; and such deputy shall aid in the performance of the duties of clerk, under his direction, and in case of his absence or disability, or of a vacancy in his office, shall perform all the duties of clerk during such disability, absence or vacancy until such vacancy shall be filled. The clerk and his sureties shall be liable upon his bond for the acts of such deputy.

The city attorney; his duties.

SECTION 18. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city may be interested. He shall keep a docket of all cases in which the city may be a party, and briefly state therein each step taken in the cause; said docket to be open to the inspection of the officers and electors of the city, at

reasonable hours. He shall draft all ordinances, bonds, contracts, leases, conveyances and such other instruments as may be required by the officers of said city, concerning the business thereof. He shall examine and inspect all assessments in reference to the levying and collection of taxes and assessments; and perform such other duties as may be required by the charter and ordinances of the city.

The city treasurer; his powers and duties.

SECTION 19 The city treasurer shall collect all city, county and state taxes; he shall receive all moneys belonging to the city, and keep an accurate account thereof in suitable books for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received and disbursed by him, in such manner as the common council shall direct; his books shall at all reasonable times be open to inspection by the electors of the city. He shall make a report to the common council each year, within the month of April, and as much oftener as the common council may require, which report shall embrace a statement of the receipts and disbursements in his office; he shall file in the office of the city clerk, ten days before the annual charter election, a full and minute report of all moneys received and disbursed by him; of all tax certificates, vouchers and other effects of pecuniary value in his posession, and all other transactions relating to his office necessary to show the financial condition of the city. Said statement to embrace all transactions from the date of the like report made by his predecessor to the date of the report required by him. He shall keep an accurate account of each of the separate funds in his custody.

Official city paper.

SECTION 20. The common council at its first meeting, or as soon thereafter as may be, shall designate a newspaper published in the city or Clark county, in which shall be published all ordinances, notices and other proceedings required by law to be published; and the common council shall have power to fix by ordinance, just and proper rates therefor, provided that such rate shall not exceed the legal rate.

Ordinance when published to be filed with city clerk.

SECTION 21. When any ordinance, notice or other proceeding shall have been published, a copy of such publication, together with the affida-

vit of the printer or foreman stating the length of time the same has been published, shall be filed with the city clerk; and such affidavit shall be conclusive evidence of the publication of such ordinance, notice or other proceeding, and the bill for such publication shall not be audited until such affidavit is filed.

Council may impose additional duties on officers.

SECTION 22. All other officers elected or appointed under and by virtue of this charter, shall perform such duties as are required to be performed by like officers under the general laws of the state, and also such as are prescribed by the common council.

CHAPTER III.

POWERS.

Common council; how constituted.

SECTION 1. The mayor, aldermen, and supervisor shall constitute the common council; and the style of all ordinances shall be: "The mayor and common council of the city of Greenwood do ordain as follows."

Meetings of council.

SECTION 2. The common council shall hold its first meeting in each year on the third Tuesday in May, and shall thereafter hold a regular meeting on the first Tuesday of each month, and at such other times as the council may direct. The mayor may call a special meeting by written notice to each of the members, to be served personally or left at their several places of abode at least six hours previous to such meeting.

General provisions relating to meetings of council.

SECTION 3. The common council shall determine the rules for its own proceedings. Two-thirds of the members shall constitute a quorum for the transaction of business, but a less number may adjourn. The session shall be open to the public. The ayes and noes may be required to be taken by any member; and on the adoption of an ordinance or resolution assessing or levying taxes, or for the appropriation or disbursement of money, or creating a charge or liability against the city, or any fund thereof, the vote shall be taken by ayes and noes, and every such vote shall be entered at length on the journal. The common council shall be the judge of the election and qualification of its own members, and may punish

its members or others present, by fine, for disorderly behavior; may compel the attendance of its members upon its meetings, may fine or expel any member for a neglect of duty as such member, or for unnecessary absence from sessions of the council.

Confirmation, votes to be by ayes and noes.

SECTION 4. At all confirmations by the council the vote shall be taken by ayes and noes, and recorded upon the journal; a majority of all members of the council shall be necessary to a confirmation.

Powers of council.

SECTION 5. The common council shall have the management and control of the finances and all the property of the city, except as herein otherwise provided; and shall likewise in addition to all other power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such rules, by-laws and regulations for the good order and government of the city, for the benefit of the trade and commerce and for the health of the inhabitants thereof; for the prevention of crime, and for carrying into effect the powers vested in said council, as it shall deem expedient; such council shall have power to impose and declare penalties and to enforce the same against any person or persons who may violate any of the provisions of such by-laws, ordinances, rules, and regulations. Such ordinances, by-laws, rules and regulations are hereby declared to be and have the force of law, provided they be not repugnant to the constitution of the United States, or of this state, or to the laws thereof; and for the aforesaid purposes the common council shall have authority by ordinance, resolution, by-law or regulations:

Licenses.

SECTION 6. First. To license, regulate or prohibit the exhibition of common showmen or shows of any kind, billiard tables, bowling saloons, nine or ten-pin alleys, and to provide for the abatement of the same and removal under the ordinances of the city and laws of the state; and may grant licenses for and regulate groceries, tavern keepers, keepers of ordinaries, saloons, victualing houses or other houses or places for dealing in or vending spirituous, vinous, fermented or malt liquors, and may revoke such licenses for violation thereof; provided, that in case an application

for a license is denied, the council shall not have the authority until after the next succeeding charter election to grant any license for such vending of spirituous, vinous, fermented or malt liquors to the same person. And provided further, that no such licenses shall be granted except by a two-thirds vote of all the members of the common council. The person to whom such license is granted shall give a bond in due form, according to law with two or more sureties.

Gambling, etc.

Second. To restrain, prohibit and suppress all devices for gambling or fraudulent practices or any indulgence or practice in such gambling.

Regulate and license exhibitions and amusements.

Third. To license regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities, and all other exhibitions and amusements.

Riots, disturbances, etc.

Fourth. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill-fame.

Abatement and removal of nuisances.

Fifth. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse the same from time to time or remove or abate the same, as it may be deemed necessary for the comfort and convenience of the inhabitants of said city.

Combustible material, storage of.

Sixth. To direct or prohibit the location and management of houses for the storage of gunpowder and other dangerous and combustible materials.

Shooting of fire arms, etc.

Seventh. To prohibit the shooting of fire-arms and crackers, and the exhibition or use of fireworks at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein, or annoying to the citizens thereof.

Horse racing in streets.

Eighth. To prohibit horse racing and immoderate riding or driving in the streets.

Abuse of animals.

Ninth. To prohibit and punish the abuse of animals.

Fastening of horses, etc., on streets.

Tenth. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Licensing of dogs.

Eleventh. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of such licensed dogs.

Preservation of health.

Twelfth. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Running at large of cattle, etc.

Thirteenth. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the cost of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinance.

Sewers.

Fourteenth. To prescribe and regulate the construction of sewers within the city.

Erection of public buildings. Parks, etc.

Fifteenth. To locate, purchase sites and let contracts for the erection and construction of public buildings. To acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks and any other public purposes, and to sell, dispose of and convey the same.

Opening and repairing of streets, etc.

Sixteenth. To lay out, make, open and keep in repair, alter or discontinue highways, streets, lanes and alleys, and to keep them free from incumbrances and to protect them from injury.

Grades.

Seventeenth. To establish and alter the grade of streets and to regulate the manner of using the streets and pavements in said city, and to protect the same from injury by vehicles used thereon.

Names of streets.

Eighteenth. To name or change the names of any street.

Lighting of streets.

Nineteenth. To provide for lighting the streets, public grounds and buildings with gas or otherwise; and for such purpose to contract by ordinance or otherwise, with any person, company or corporation for a term not exceeding ten years at any time, at such terms, and subject to such limitations as may be prescribed by such ordinance or contract.

Boards of health.

Twentieth. To establish and regulate boards of health.

Twenty-first. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise. Abatement and removal of nuisances.

Twenty-second To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish or hides, and on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons. Deposit of putrid carcasses within city limits

Twenty-third. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupants to remove from the lots owned or occupied by them all such substance as the board of health shall direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupants. Removal of snow or ice from side walks.

Twenty-fourth. To provide for the appointment of watchmen and policemen and to regulate the police and prescribe their duties. Watchmen and policemen.

Twenty-fifth. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. Trees.

Twenty-sixth. Laws, ordinances, regulations and by-laws shall be adopted by an affirmative vote of a majority of all the members of the common council, and shall within fifteen days after their passage be published in the official paper or papers of said city before the same shall be in force. Laws, ordinances, etc., how adopted.

SECTION 7. The common council shall examine and adjust all accounts of the clerk, treasurer and other officers of the city. Accounts of city officers to be examined by council.

Corporate authority where vested.

SECTION 8. The corporate authority of the city shall be vested in the mayor and common council.

Actions how brought.

SECTION 9. All actions to recover any penalty or forfeiture or for the punishment of any offender under the ordinances or by-laws made by the city shall be brought in the name of the "City of Greenwood."

Judgment of court on finding.

SECTION 10. In case of conviction in actions brought to recover a penalty or forfeiture, or to impose a punishment for violation of any ordinance or by-law, the court shall enter judgment for such fine, penalty or forfeiture, together with the costs of the prosecution, against the defendant; and shall also enter judgment that such defendant be imprisoned in the county jail or city lock-up until such judgment be paid, not exceeding the term of six months, and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment, judgment shall also be entered for the costs of prosecution against him, that he be held in imprisonment until such costs be paid; but the court shall limit such additional term of imprisonment in his discretion, in no case, however, to exceed six months.

Appeals in city cases.

SECTION 11. Any person aggrieved by the judgment of the court, imposing a fine, penalty, forfeiture or term of imprisonment, may appeal to the circuit court of the said county of Clark, in the same manner in which defendants may appeal under the general laws of the state from judgments of justices of the peace, in actions when the state is a party plaintiff.

Claims against city to be presented to council.

SECTION 12. No action shall be maintained against the city on any claim or demand until such claim or demand shall have been presented to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the neglect or refusal of the common council to act upon any such claim or demand for the space of sixty days after its presentation shall be deemed a disallowance thereof.

Disallowance of claim shall bar action thereon unless appealed from.

SECTION 13. The determination of the common council disallowing any claim or demand shall be final, and a bar to any action for said claim or demand against the city, unless an appeal shall be

taken from such determination in the manner hereinafter prescribed.

SECTION 14. Whenever any claim or demand against the city shall have been disallowed, an appeal may be taken from such action of the common council to the circuit court of said county, within twenty days after such disallowance, by causing a written notice of such appeal to be served on the city clerk; and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that may be adjudged against the appellant in the appellate court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the common council, with its decision thereon, and shall transmit the same, together with all the papers in the case, to the clerk of said circuit court. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from an allowance made by the common council upon any claim, and the recovery upon such appeal shall not exceed the allowance made by the common council exclusive of interest upon such allowance, the appellant shall pay the costs of the appeal, which shall be deducted from the recovery; and when the amount of costs shall exceed the amount of the recovery, the judgment shall go against the appellant for the excess. Appeals how taken.

SECTION 15. The court held by the police justice shall be called the police court. Police court.

SECTION 16. The police justice shall have the civil and criminal jurisdiction of justices of the peace, within the limits of the city, and exclusive jurisdiction of offenses against the ordinances and by-laws of the city. Police justice; jurisdiction of.

SECTION 17. The police court may sentence any person convicted of the violation of any ordinance, punishable by fine and imprisonment or one or either, and any person convicted of any misdemeanor triable by said court, to pay the fine and costs of prosecution, or be imprisoned in the county jail or city lock-up. Same.

Docket.

SECTION 18. There shall be kept in the police court a docket wherein shall be entered the substance of every complaint, the date of the issuance of the warrant, the date and substance of the return thereon, the plea of the accused, the names of the witnesses, and the judgment of the court.

Forms.

SECTION 19. The following shall be the form substantially, of complaint and warrant to be used in said court in cases of prosecution for the violation of ordinances:

COMPLAINT.

Complaint.

State of Wisconsin, } ss In the police court
City of Greenwood, } of said city.

A. B. complains on oath to the police court of the city of Greenwood, that C. D. did, as the deponent verily believes, on or about the .... day of ...., A. D. 18.., at said city, violate an ordinance of said city, to wit: (here insert the title and date of the ordinance or the chapter and section of the general ordinance), in that he did then and there contrary to said ordinance (here insert the act or omission complained of); therefore, the complainant prays that said C. D. be arrested and dealt with according to law.

A. B.,
Complainant.

Subscribed and sworn to before me this .... day of ...., A. D. 18...

E. F.,
Police Justice.

WARRANT.

Warrant.

State of Wisconsin, } ss. In the police court of
City of Greenwood. } said city.

The state of Wisconsin to the chief of police or any police officer of the said city, or the sheriff or any constable of the county of Clark. You are hereby commanded to arrest and bring before said court as soon as may be, and safely keep subject to the order of said court, the body of A. D., charged with violating one of the ordinances of the city of Greenwood.

Dated .....

E. F.
Police Justice.

SECTION 20. The costs taxable in the police court shall be the same as in justice courts for similar services; and said costs shall be paid to the officers earning them, respectively, in addition to any salary which may be fixed by the common council. Costs and fees.

SECTION 21. It shall be the duty of the common council to confirm, upon nomination by the mayor, once in each year, a regularly licensed physician as health commissioner, who shall hold his office for the term of one year, and until his successor shall be appointed and qualified. Health commissioner.

COMMISSIONER'S DUTIES.

SECTION 22. It shall be the duty of the commissioner of public health to provide such rules and regulations as shall be requisite and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases, and to cause the removal of all objects detrimental to the health of the people of the city, and to enforce such rules and regulations as hereinafter provided. Commissioner's duties.

RULES TO BE REPORTED TO COUNCIL.

SECTION 23. All rules and regulations prepared by the commissioner of public health shall be by him reported to the common council, and if the common council shall confirm the same by a vote of a majority of the members thereof, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances. Rules.

RECOMMENDATIONS TO BE MADE.

SECTION 24. The commissioner of public health, shall also, from time to time, recommend to the common council such sanitary measures to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health. Recommendation.

SECTION 25. All funds in the city treasury, except school funds, created and set apart for the payment of the interest and debts owing by the Funds to be under control of council.

city and funds collected on special assessment, shall be under the control of the city council, and shall be drawn out upon order of the mayor and clerk, authorized by the common council. All orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable out of the funds of the city treasury not otherwise appropriated. All orders shall be payable to the person to whom drawn or his order.

Treasurer to pay out funds only for authorized purposes.

SECTION 26. The treasurer shall not pay out the funds in his hands which shall be appropriated to any special purpose, except for the purpose to which they were specially appropriated, any direction of the city council to the contrary notwithstanding.

Debts to be contracted only on majority vote.

SECTION 27. No debt shall be contracted against the city or certificate of indebtedness drawn upon the city treasurer unless the same shall have been authorized by a vote of a majority of the common council; and no money shall be appropriated for any purpose whatever except as authorized by this act.

Orders not to issue unless funds in treasury.

SECTION 28. The common council shall not authorize the issue of orders upon the treasurer unless the money to pay the same is in the hands of the treasurer, to the credit of the funds upon which the orders are drawn.

Treasurer's quarterly statements.

SECTION 29. The treasurer shall deliver to the clerk, once in each quarter, on such day as the council shall direct, a statement showing the condition of the treasury and all receipts and disbursements since the last preceding report.

Council may borrow money to pay ordinary expenses.

SECTION 30. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty *per centum* of the taxes levied for the same purpose during the preceding year. Certificates of indebtedness may be issued therefor, signed by the mayor and clerk, bearing interest not exceeding the legal rate *per annum*, and payable not later than the fifteenth day of January succeeding their issue. Provided, however, that no such loan shall be made unless authorized by a vote of at least three-fourths of all the members of the common council, at a regular meeting thereof.

SECTION 31. All temporary loans shall be made payable and paid out of the taxes levied for the ensuing year, unless sooner provided for.

Temporary loans, when payable.

PURPOSES FOR WHICH BONDS MAY BE ISSUED.

SECTION 32. The common council shall have authority to issue bonds for the following purposes only:

Bonds may be issued; proposition to be adopted by three-fourths of the members of council.

First. Building school houses.

Second. Building bridges.

Third. Building public buildings for the use of the city.

Fourth. Purchase of apparatus for fire protection.

Fifth. Construction of main sewers.

Sixth. Water works.

Seventh. Public parks.

Provided, that no such bonds shall be issued unless authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council-elect. Said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city; and provided, further, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city shall exceed five *per centum* of the assessed valuation of such city at the assessment preceding the issue of such bonds; and provided, further, that all such bonds issued shall be payable at the pleasure of the city in not more than five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six *per centum per annum*, payable semi-annually.

SECTION 33. All claims and demands against the city shall be itemized, verified by oath of the claimant, or some one on his behalf, and filed with the city clerk, who shall present the same to the council at its next regular meeting for action thereon.

Claims against city to be itemized.

SECTION 34. The assessment, levy and collection of taxes shall be provided for and carried out according to the manner prescribed by the general laws of the state, except as otherwise herein provided.

Assessment and collection of taxes.

Standard sidewalks.

SECTION 35. The common council may from time to time, by resolution, establish the width, determine the material, and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different on different streets. In all cases where the grade of sidewalks has not been fixed by ordinance the grade thereof shall conform to that of the street as established.

Improvement of streets and grading for sidewalks.

SECTION 36. Whenever a street shall be improved for the first time, or the grade thereof changed, and the street improved so as to conform to the new grade, the grading of the sidewalks thereto shall be considered a part of the improvement; and shall be let by contract with the other work of improving such street, and expenses thereof shall be provided for and borne in all respects like that of improving the street; but the construction of the sidewalks shall be done by the owners of lots or parcels of land, or at their expense as hereinafter provided.

Owner of lot to build sidewalk.

SECTION 37. It shall be the duty of the owner of every lot or parcel of land abutting upon an improved street or a street ordered to be improved, whereon the sidewalk has been graded for ten days or more to lay at his own expense a standard sidewalk in front of the same, or one as good as the standard, to be approved by a street committee selected by the mayor from the common council. Provided, however, that no sidewalk shall be required to be laid unless such requirement shall have been decided upon by a resolution of the common council.

If owner neglects or refuses, street commissioner shall build sidewalk.

SECTION 38. Whenever the owner of any lot or parcel of land so abutting shall neglect for the space of twenty days to lay a sidewalk as provided in section 35, it shall be the duty of the street commissioner to cause a standard sidewalk to be laid in front of said premises. The street commissioner shall keep an accurate account of the expenses of laying such sidewalk, and of the repairs of any sidewalk, when the same shall have been out of repair for ten days, and repaired by him; it shall be the duty of the street commissioner to repair any sidewalk when the owner thereof shall neglect to repair the same for the space of ten days. He shall make report of all such expenses of construction and repairs to the

city clerk, who shall annually submit a statement of such expenses to the city council. The amount therein charged to each lot or parcel of land shall be entered by the clerk in the tax roll, as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

Street commissioner to keep sidewalks clear of snow and ice.

SECTION 39. It shall be the duty of the street commissioner to keep the sidewalks of the city clear of snow and ice in all cases, where the owners or occupants of abutting lots or parcels of land fail to do so, and the expense of clearing the ice or snow from sidewalks in front of any such lot or parcel of land shall be included in the statement to the clerk required by the last preceding section, and in the special tax to be levied as therein provided.

Rules and regulations as to sidewalks.

SECTION 40. The common council may from time to time make all needful rules and regulations by ordinance, for carrying the aforesaid provisions into effect, and for governing the use of sidewalks, and preventing their obstruction.

Improvement and repair of streets.

SECTION 41. The common council shall have power to improve and repair the streets of the city, paying therefor from the general fund in the city treasury. All such improvements and repairs which shall exceed in amount one hundred dollars the council shall let by contract to the lowest responsible bidder; two weeks' notice of the letting of such contract shall be given by publication thereof in the official newspaper of the city, or by posting notices thereof in two public places for a like time. Officers of the city or members of the council shall not bid or contract for said work. The street commissioner and street committee shall have general supervision of such improvements and repairs. If the expenses of such improvements and repairs shall not exceed one hundred dollars, and the work thereof shall be done by the street commissioner; whose accounts and claims therefor shall be audited and paid in like manner as other accounts against the city.

CHAPTER IV

MISCELLANEOUS.

General laws shall be in force except as otherwise provided.

SECTION 1. The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties, and the manner of conducting elections, shall be in force in the city of Greenwood, except as herein provided.

General laws as to bribery, etc., to be in force.

SECTION 2. The general laws of the state of Wisconsin for the punishment of bribery, misdemeanors, and corruption in office, shall be in force and apply to all officers of the city elected or appointed under the provisions of this charter.

City official not to be interested in contract.

SECTION 3. No city official shall be interested, either directly or indirectly, in any contract to which the city is a party; and whenever it shall appear that such is the case such contract shall be null and void, and the city incur no liabilities thereon.

City officers may not be surety on official bond.

SECTION 4. No city officer shall be accepted as surety on any bond, contract or other obligation made to the city.

Forms.

SECTION 5. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, so far as the same are applicable, shall be as legal and of the same force and effect as the forms prescribed by this charter.

Ordinance book to be kept by city clerk; what to contain.

SECTION 6. The city clerk shall keep a book, to be known as the ordinance book, in which he shall enter at length, in a plain and distinct handwriting, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage and page of the journal containing a record of the vote upon its passage and also the name of the newspaper in which the same was published, and the date of such publication, together with the proof of publication; the ordinances may be proved by the certificates of the clerk, under seal of the city, and when published in pamphlet form purporting to be published by authority of the city, shall be read and received in all courts as evidence of their adoption.

SECTION 7. In case of failure to prescribe the duties of any officer elected or appointed under this charter, the provisions of the revised statutes of Wisconsin and acts amendatory thereof so far as the same are applicable thereto, shall be taken and deemed to be the guides in determining the duties of such officers.

Officers' duties not herein prescribed to be as defined in general laws.

SECTION 8. The common council of the city shall meet on or before the second Tuesday in May in each year and canvass and declare the result of the annual municipal election.

Canvassing of election returns.

SECTION 9. The qualifications of electors at all charter elections shall be the same as under the revised statutes for general elections; provided, that a residence of thirty days in the city shall be requisite to entitle the elector to vote.

Qualification of electors.

SECTION 10. The common council shall, within one year from the taking effect of this charter provide a suitable building to be known and used as a city lock-up; the cost thereof shall be paid out of the general fund in the city treasury.

City lock-up.

SECTION 11. The bridge across Rock creek, near the city, known as "Rock creek bridge," shall be under the jurisdiction and control of the city authorities; the expense of keeping up and repairing said bridge shall be borne by the city of Greenwood and the town of Eaton in proportion to the assessed valuation of the taxable property in said town and city respectively. The bridge across Black river near the town line between the towns of Eaton and Warner, known as the "Black river bridge," shall be under the jurisdiction, care and custody of the city, and shall be kept up and repaired at the expense of the city and the said towns of Eaton and Warner respectively, in proportion to the assessed valuation of the taxable property thereof.

Rock creek and Black river bridges.

SECTION 12. Every male inhabitant of the city of Greenwood over twenty-one years of age and under fifty, except those otherwise exempt by the general laws of the state, shall pay into the city treasury annually the sum of one dollar and fifty cents, as a poll tax. It shall be the duty of the assessor of the city to make out a list of all persons liable to such poll tax, during the month of April, and deliver the same to the city treasurer, who shall proceed to collect the same according to the general laws of the state.

Poll tax.

Disposition of license moneys.

SECTION 13. All moneys derived from licenses issued by authority of the common council under the provisions of this charter or of the excise laws of the state, shall be paid into the treasury of the city for the benefit of the general fund thereof.

General fund, how raised.

SECTION 14. The common council shall have power to levy a tax, not exceeding three mills on the dollar on the assessed valuation of the taxable property in the city, which tax shall be collected as prescribed by the general law; and the proceeds thereof shall be kept and used as a general fund for the ordinary expenses of the city government. The amount of the tax to be so levied shall be determined by the common council before the first Tuesday in October in each year, and shall be included in the tax roll in like manner as other taxes.

Apportionment of taxes between city of Greenwood and towns of Warner and Eaton.

SECTION 15. The supervisors of the towns of Warner and Eaton, and the common council of the city of Greenwood, shall meet on the second Tuesday in June, 1891, at such place as shall be designated by the city clerk of said city, and apportion the taxes levied for road or other town purposes, and any indebtedness between the said towns and the city; in case of failure to agree at such meeting of the supervisors and council, the board of supervisors of the county of Clark shall at its annual meeting in November, 1891, apportion the said taxes betwen the towns and city and divide and apportion any property or indebtedness.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1891.

No. 730 A.] [Published April 4, 1891.

CHAPTER 134.

AN ACT to amend the city charter of Sturgeon Bay, Door county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 341, of the laws of 1883, as amended by section 1 of chapter 119, of the laws of 1885, as amended by section 1 of chapter 165, of the laws of 1887, is hereby amended so that said section 2, as now amended, shall read: Section 2. Said city shall embrace the following described territory: Beginning at a point in the waters of Sturgeon Bay, where the north line extended west, of township 27 north, of range 26 east, would intersect the west line, extended north of said township and range, said point being to all intents and purposes, the northwest corner of said township and range, and thence running south on the west line of said township and range; to the southwest corner of section 7, in said township and range; thence east on the section line, between sections 7 and 18 in said township and range, to the northwest corner of the northeast quarter of said section 18, thence south on the quarter line through the center of said section 18, to the southwest corner of the northeast quarter of section 19, in said township and range; thence east on the quarter line, through the centers of sections 20 and 21, in said township and range, to the southeast corner of the northeast quarter of said section 21; thence north on the section line between sections 15 and 16, 10 and 9, in said township and range, to the northeast corner of said section 9; thence west on the section line between sections 9 and 4, in said township and range, to the southeast corner of the southwest quarter of the southwest quarter of said section 4; thence north on the sixteenth line through the centers of the southwest quarter and the northwest quarter of said section 4, to the northeast corner of the northwest quarter of

Amends chapter 341, laws of 1883 as amended.

Boundaries of city.

the northwest quarter of said section 4; and thence west on the north line of said township and range to the point of the beginning.

Amends chapter 341, laws of 1883, as amended.

SECTION 2. Section 3, of chapter 341, of the laws of 1883, is hereby amended by adding thereto the following, viz: All that part of said city lying west of a line in the center of Sturgeon Bay, shall be and constitute the Fourth ward.

Fourth ward

amends chapter 341, laws of 1883 as amended.

SECTION 3. Section 9, of chapter 341, of the laws of 1883, is hereby amended so that said section 9 as now amended shall read: Section 9. At all elections for ward and city officers there shall be four ballot boxes, one for each ward, with the number of the ward plainly marked thereon. The vote of the electors of each ward shall be deposited in the ballot box for such ward, and a separate poll list shall be kept of the electors in such ward. All the elections shall be by ballot, and the names of all persons voted for by each elector, shall be on one ballot. A plurality of the votes cast shall be sufficient to elect; and in case two or more candidates receive the same number of votes for the same office, the election shall be determined by lot, in the presence of the inspectors, at such time and in such manner as they shall direct.

Elections.

Amends chapter 341, laws of 1883, as amended.

SECTION 4. Section 15, of chapter 341, of the laws of 1883, as amended by chapter 119, of the laws of 1885, is hereby amended so that said section 15 as now amended shall read: Section 15. All elective officers, except justices of the peace and school commissioners, shall hold their offices for the term of one year, and until their successors are elected and qualified. Justices of the peace and school commissioners shall each hold their offices for the term of two years, and until their successors are elected and qualified; provided, that at the annual charter election held in and for said city on the first Tuesday of April, 1891, there shall be elected, from the Fourth ward of said city, a school commissioner who shall hold his office for the term or two years; and that there shall be elected, from the Third ward of said city, a school commissioner who shall hold his office for the term of one year; and provided further, that the present school commissioner for the First ward of said city shall hold his office for his unexpired term of one year; and that th

Term of office of city officers.

school commissioner elected for the Second ward of said city, at the annual charter election in 1890, shall hold his office for his unexpired term of two years, as school commissioner of the Third ward.

SECTION 5. For the purpose of holding the charter election this spring two days shall be considered legal notice, but this shall not be construed to effect elections in the future.

Two days' notice of election for spring election in 1891.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1891.

No. 842, A.] [Published April 15, 1891.

CHAPTER 135.

AN ACT to revise chapter 37, of the general laws of 1885, entitled, "An act to incorporate the city of Kaukauna."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CORPORATE NAME.

SECTION 1. All that district of country, together with the incorporated village of Ledyard, in the county of Outagamie and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Kaukauna; and they who do now, or hereafter, inhabit said district, shall be a municipal corporation by the name of "The city of Kaukauna," and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes, and in addition thereto shall have and possess the powers hereinafter granted; and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, suing or being sued; pleading and being impleaded, in all courts of law and equity; and shall have a common seal and may alter and change the same at pleasure.

Corporation created.

BOUNDARIES.

Boundaries of city.

SECTION 2. All that district of country included within the following boundaries shall comprise said city, and shall be divided into five wards, as follows, named respectively, the First ward, the Second ward, the Third ward, the Fourth ward and the Fifth ward. For municipal or other purposes, the First and Second wards shall be known as the north district, and the Third, Fourth and Fifth words be known as the south district. The center line of the main channel of Fox river shall constitute the dividing line; commencing at the point of the intersection of the east and west center line of section eighteen, in township twenty-one north, of range nineteen east, with the northwest line of private claim thirty-three, thence south forty degrees east, along said northwest line of said private claim thirty-three to the north bank of Fox river; thence in a southwesterly direction across said Fox river to the northeast corner of lot one, in fractional section one, on the south bank of said Fox river, in township twenty-one north, of range eighteen east; thence due south fifty-seven and seventeen one-hundreths chains to the quarter post on the southeast corner of said lot one, of fractional section twenty-one; thence due west fifty and ninety-eight hundredths chains to the east line of lot one; in fractional section twenty-two; thence south ten and sixty hundredths chains to the southeast corner of said lot one, of fractional seetion twenty two; thence due west thirty-two and twenty-three hundredths chains to the southwest corner of lot five, in fractional section twenty-two; thence north eleven and ninety hundredths chains to the southeast corner of lot six, in said fractional section twenty-two; thence due west twelve and thirty-one hundredths chains to the southwest corner of lot seven, in said fractional section twenty-two; thence due north to the center of the highway known as the Green Bay and Menasha plank road; thence south sixty degrees west along the center of said highway fourteen and fifty-nine hundredths chains to the southwest corner of lot one in fractional section twenty-three; thence north

fifty-three and twenty-four hundredths chains to the northwest corner of said lot one in fractional section twenty-three, on the south bank of Fox river; thence in a northwesterly direction across the said Fox river to the point of the intersection of the north and south center line of section twenty-three, township twenty-one, range eighteen east, with the north bank of said Fox river; thence north along said north and south center line of sections twenty-three and fourteen, in said township and range, to the center post in section fourteen; thence due east across private claims one, thirty-five, thirty-four and thirty-three, to place of beginning.

FIRST WARD.

SECTION 3. The First ward of the city of Kaukauna shall consist of that territory of land within the city limits above described lying southwest of the southwest line of the north half of private claim thirty-five, and west of the center line of Desnoyer street, and all of block twenty-three lying south of the center line of Wisconsin avenue, on the north side of Fox river. First ward.

SECOND WARD.

The Second ward of the city of Kaukauna comprises all the territory lying east and north of the above described limits of the First ward, within the above city limits and north of Fox river. Second ward.

THIRD WARD.

The Third ward of the city of Kaukauna comprises all that part of the village plat of Ledyard lying west and southwest of the following described division line; south of the center line of Fox river, extend Fourth avenue in a straight line to its center point in Fox river, from that point in a southwesterly direction to where the center line of Fourth avenue intersects the center line of Fifth street; thence due south along the center line of said Fourth avenue to the city limits. Third ward

FOURTH WARD.

Fourth ward.

The Fourth ward of the city of Kaukauna comprises all the territory east and southeast of the dividing line of the Third ward, south of the Fox river, except all land within the city limits east of section line between sections twenty-one and twenty-two, and land now known as the "Beaulieu Addition."

FIFTH WARD.

Fifth ward.

The Fifth ward of the city of Kaukauna comprises all the islands and island groups within the limits of the city of Kaukauna, generally known as islands one, two, three and four in Fox river, and also includes the platted land known as "Beaulieu Addition," and all land within the city limits lying east of section line between sections twenty-one and twenty-two.

ANNEXATION OF ADJACENT TERRITORY.

Other territory may be annexed.

SECTION 4. Territory lying adjacent to the city of Kaukauna may be annexed to said city in the manner hereinafter set forth.

Proceedings.

SECTION 5. Three-fourths of the electors and owners of at least one-third of the taxable property, according to the last tax roll, in territory adjacent to said city, may present a petition to the common council of said city asking for annexation thereto; provided, that if no electors reside therein, such petition must be signed by the owners of at least three-fourths of the taxable property desired to be annexed before the common council shall have power to act thereon.

Passage and publication of ordinance annexing territory.

SECTION 6. At any regular meeting of the common council after the filing of said petition with the city clerk, an ordinance may be introduced providing for the annexation of such adjacent territory. Final action on said ordinance shall not be taken except at a regular meeting of the council, and not earlier than thirty days after the same is introduced; and in the meantime the same shall be published at least once in each week for four successive weeks in some newspaper printed and published in said city, if there be one,

otherwise in some newspaper to be designated by the council.

SECTION 7. A vote of three-fourths of all the members of said council in favor of such ordinance, taken by ayes and nces, and recorded, shall be necessary for its adoption.

Three-fourths vote necessary for adoption of ordinance.

SECTION 8. The adoption of said ordinance shall operate to annex such territory to said city, and to the ward or wards designated therein. The validity of the proceedings annexing such territory shall not be called in question collaterally in any of the courts of this state; nor shall the validity of any such proceedings be called into question in any other manner, in the courts of this state, unless the action or proceeding therefor, be commenced within ninety days after such ordinance is adopted.

Adoption of ordinance operates to annex territory.

SECTION 9. The number and boundaries of wards of the city may be changed by ordinance when the same shall be adopted by a vote of at least three-fourths of all the members of the common council; provided, said ordinance must be introduced at a regular meeting of the council in May, and before final action is taken thereon the same shall be published in the official paper of the city once in each week for four successive weeks, and when the boundaries of any wards are fixed by any ordinance the number of wards in the city and boundaries thereof or of any of said wards shall not be again changed for a period of two years except by adding thereto such territory as may at any time be added to the city limits; and provided further, that the territory of the wards shall be contiguous and compact, and that no ward shall have a population of less than five hundred.

Changing boundaries of wards.

CITY AND WARD OFFICERS.

SECTION 10. The officers of said corporation shall consist of a mayor, two aldermen from each ward, one supervisor from each ward, a city treasurer, city assessor, city clerk, city attorney, city physician, city marshal, two night policemen or watchmen, two justices of the peace, one for each district, chief of fire department, two street commissioners, three members of the board of sewer-

City officers.

by the inspectors and clerks of election of the several election precincts in the same manner, and the returns thereof shall be made in the same form and manner of the general municipal elections, and within such time as prescribed by law.

Duration of term of person elected to fill vacancy.

SECTION 20. Every person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

Officers; when to qualify.

SECTION 21. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within ten days after notice of his election; and in case of his failure to file the same within the time indicated, the office shall be deemed vacant.

SALARIES.

Salaries of city officers.

SECTION 22. The mayor and aldermen shall receive no salary; all other city officers shall be paid salaries or fees to be fixed as herein provided. The common council at their first regular meeting in March, shall fix the amount of salary or fees which shall be received by every city officer entitled to a salary or fees, who may be elected or appointed in the city during the ensuing year, which salary shall not be increased or diminished during the term of office, for which such officer may be elected or appointed; the salary shall be paid out of the city treasury monthly at the end of each month; provided that when an officer receives fees in lieu of salary the same shall be paid, as may be provided by the common council. All salaries, the amount whereof have heretofore been fixed by the common council, or heretofore established by law, shall be and remain the salaries of such officers until the common council shall fix the amounts thereof in accordance with provisions of this section; and when so fixed, they shall so remain until changed as herein provided.

OFFICERS — THEIR POWERS AND DUTIES.

Official bonds.

SECTION 23. The city treasurer and justices of the peace, and such other officers as the common council may direct, shall before entering upon the discharge of the duties of their respective offices,

execute and deliver to the city, a bond, in such sum as the common council may determine, with two or more sureties conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the common council may prescribe. The common council may at any time, require new and additional bonds of any city officer. All bonds must be approved by the mayor, and when so approved, they shall be filed in the office of the city clerk within ten days after the officer executing the same shall have been notified of his election; and when so approved and filed, shall be recorded by the city clerk in a book to be kept for that purpose. Such clerk shall annex to each record, a certificate that the same is a true copy of the original, and such record shall be *prima facie* evidence of the contents of such bonds; and in the absence of the originals, may be used as evidence in all courts of this state. Justices of the peace shall also give a bond as required by statute.

Removal of officer; to be given opportunity to be heard in his own defense.

SECTION 24. Every officer elected or appointed to any office, may be removed from such office by a vote of three-fourths of all the members of the common council; but no such officer shall be removed except for cause; nor unless charges are preferred against him, and an opportunity given him to be heard in his own defense. The common council shall have the power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof. The mayor may suspend any officer against whom charges have been preferred, until the disposition of the same.

MAYOR.

The mayor; his powers and duties.

SECTION 25. The mayor shall be the chief executive officer, the head of the fire department and chief of the police of the city; he shall take care that the laws of the state and the ordinances of the city are observed and enforced; and that all of the officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to

the city. When present he shall preside at all meetings of the common council, he shall sign all agreements, contracts, licenses and permits granted by such common council; and approve or otherwise act upon all claims allowed by such council; he shall appoint all policemen, and may in case of a riot or other disturbance, appoint as many special policemen as may be necessary. He shall have power to veto any resolution, act or ordinance passed by the common council, by notifying the common council, or filing his objections thereto with the city clerk at any time within seven days after the passage of the same; and in case the common council shall not, at its next regular meeting or special meeting called for that purpose, re-enact such ordinance, or pass such act or resolution by a vote of three-fourths of the aldermen elected, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he had signed it.

President of the council.

SECTION 26. The common council, at its first meeting after organization in each year, shall choose from its number a president; and in the absence of the mayor the said president shall preside at all the meetings of such common council, and during the absence or inability of the mayor to discharge the duties of his office the president shall exercise all the power and discharge all the duties of the mayor. The president, while presiding at the meetings of the common council or performing the duties of the mayor, shall be styled "acting mayor;" and any act performed by him in such capacity, shall have the same force and effect as if performed by the mayor; but the president of the common council as acting mayor, shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant, or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the common council.

CITY CLERK.

The city clerk; his powers and duties.

SECTION 27. The city clerk shall have the care and custody of the corporate seal and all papers and records of the city. It shall be his duty to

attend all meetings of the common council, and to keep a full record of their proceedings; to record all ordinances and bonds in a book to be kept for that purpose; to keep a record of all licenses granted, which record shall at all reasonable times be open to inspection by the public; to carefully preserve all receipts filed with him except as otherwise herein provided, and to draw and sign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that purpose. He shall have and possess the powers and authority and perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer, and charge him with all tax lists presented to him for collection, and all sums of money paid into the treasury. Within thirty days after the close of each fiscal year he shall make out and cause to be published in the official papers of the city, a financial statement showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, in like manner and with the same effect and force as if the originals were produced. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of the state, and shall perform such other duties as may be required of him by the common council. He shall hold his office at the council room in said city, and the common council shall at the time of fixing his salary on the first Tuesday of March in each year, by resolution fix his office hours.

ASSESSOR.

SECTION 28. The assessor shall assess all the taxable property of the city of Kaukauna, as required by law, and shall complete and return his assessment roll in the manner hereinafter pro- The assessor; his powers and duties.

vided, and receive such compensation as shall be fixed by the common council.

CITY ATTORNEY.

The city attorney; his powers and duties.

SECTION 29. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested; he shall, when requested, furnish written opinions upon subjects submitted to him by the mayor or common council, or any of its committees or any other department of the municipal government. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, which shall at all reasonable hours be open to inspection by any of the officers or electors of such city. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments in writing as may be required by the officers of the city; to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and collecting of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the the city. He shall have authority to appoint an assistant, who shall have power to do all the acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant, and that the city shall not be liable for nor have any authority to pay compensation to such assistant.

TREASURER.

The city treasurer, his powers and duties.

SECTION 30. The city treasurer shall collect all city, county and state taxes; and shall receive all moneys belonging to the city, and keep an accurate account of the same in books suitable, prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received by him and disbursed by him, in such manner as the common council shall direct; his books shall at all reasonable times be open to inspection by any voter of the city. He shall make a report to the

common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office; and ten days preceding every annual election he shall make out and file in the city clerk's office a full and minute report of all moneys received and disbursed by him; of all tax certificates, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the city; which report shall embrace all the transactions of his office from the date of the like report of his predecessors to the date of the report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. He shall receive no fees or *per diem* or other compensation for his services except the salary or fees fixed by the common council prior to his election; the common council may, prior to his election, fix a salary for the city treasurer, which shall be in lieu of all fees. Except as herein provided, he shall have and possess the powers and authority and perform such duties as treasurers in villages and towns are required to perform under the general laws of the state. No person having been city treasurer for one term shall be eligible to a re election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. He shall hold his office at the council chamber for such period as the common council may determine.

JUSTICES OF THE PEACE.

Justices of the peace; their jurisdiction.

SECTION 31. There shall be two justices of the peace elected by the city at large under this act, one to hold his office in North Kaukauna and one in South Kaukauna; they shall each hold their office for the term of two years and until their successors are elected and qualified. They shall have the same jurisdiction and perform all the duties of justices of the peace; and shall qualify in the same manner, except that the official bonds shall be approved by a majority of the common council. They shall in addition to

such jurisdiction as is conferred by law upon justices of the peace have concurrent jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council. Their fees shall be governed by the general laws concerning the fees of justices of the peace, but they shall not be furnished by said city, nor shall they receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as a party to a suit before them. They shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested; and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city.

CITY MARSHAL.

The city marshal; his powers and duties.

SECTION 32. The marshal shall perform such duties as shall from time to time be prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines; he shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be the duty of the marshal so appointed to execute and return all processes and writs to him directed and delivered, and when necessary in criminal cases or for any violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots and disturbances, and breaches of the peace, and to remove or cause to be removed all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of the city or law of this state, and within reasonable time bring such person before competent authority for examination. It shall also be the duty of the marshal to see that all ordinances of the city are enforced, and prosecute in the name of the city, any person who may violate the same, and for such services he shall receive the same fees as are allowed to constables of towns for similar services, and such further compensation as the common council may

allow; provided, however, the common council, at the time of appointing the marshal, may provide by resolution that all fees in criminal cases, or for the violation of any of the city ordinances, which may be received by the marshal, shall be paid by him into the city treasury, in which case his compensation shall be an annual salary to be fixed by the common council. He shall be on duty every day, with the city, and as he shall from time to time be directed by the mayor.

POLICE OR NIGHT WATCHMEN.

Police and watchmen.

SECTION 33. The policemen or night watchmen shall perform such duties as may from time to time be prescribed by the mayor or the common council, who shall have full power and authority to prescribe their hours of duty. They shall possess all the powers of constables of towns, be subject to the same liabilities, and shall receive the same fees for like services, and such additional compensation as may be allowed by the common council.

CITY PHYSICIAN.

The city physician; his powers and duties.

SECTION 34. The city physician shall be a legally qualified practitioner of medicine, and shall be *ex-officio* a member of the board of health of said city. He shall have charge of all the sick under the care of the city and render to them such medical and surgical aid as their condition may require, and in his judgment becomes necessary for their restoration to health. He shall use reasonable diligence to discover any nuisances, or anything existing in the streets, alleys or public places or upon the grounds adjoining the same within the city, that may endanger the health of the people residing therein, or in the vicinity of any nuisances; and once in each month, from the month of March to the month of November in each year, he shall file with the city clerk, a report, stating the facts with reference to any such nuisance known to him, and such recommendations with reference to the same as he may think will best subserve the public interests. He may at the same time report anything else known to him relating to the health of the people of said

city which in his opinion should be remedied by the city authorities. Each such report shall at the next ensuing meeting of the council be presented to them for their consideration. He shall receive an annual salary to be fixed by the common council.

STREET COMMISSIONERS.

The street commissioner; his powers and duties.

SECTION 35. It shall be the duty of the street commissioners within ten days after their appointment and qualification, to inspect all the streets in their respective districts, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges and all things appertaining to the streets, and report in writing, to the common council, recommending in his opinion, what is necessary and ought to be done thereto, in separate items in the order of their first, second and third necessity, and so on to the end of his recommendation under item number one, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such street or sidewalk, if in their opinion, it is a matter of necessity. The street commissioners shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, sewers, gutters and waters of the rivers in said city are duly observed and kept, and to control the persons employed therein. They shall have the general supervision of all work let by contract for the making grading, paving, graveling, planking and repairing, and cleaning of the streets, bridges, alleys, public grounds, reservoirs and gutters, in their respective districts unless the council shall otherwise direct. They shall receive such compensation as the common council may determine.

THE COMMON COUNCIL — ITS POWERS.

The common council, how constituted; meetings of council.

SECTION 36. The mayor and aldermen shall constitute the common council, and the style of all ordinance shall be: "The mayor and common

council of the city of Kaukauna do ordain as follows."

SECTION 37. The common council shall hold its first meeting in each year on the second Tuesday of April, and shall thereafter hold a regular meeting on the first Tuesday of each month, and at such other times as the council may direct. The mayor may call a special meeting by a written notice to each of the members, to be served personally or left at their several places of abode at least six hours prior to the time of such meeting. Which notice shall specify the objects of the meeting, and no other business shall come before such meeting.

General provisions relating to meetings of council.

SECTION 38. The common council shall determine the rules of its own proceedings. A majority of the members shall constitute a quorum for the transaction of business, but smaller number may adjourn; their sessions shall be open to the public; the ayes and noes may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes, or for the appropriation or disbursement of money or creating any liability or charge against the city or any fund thereof, the vote shall be taken by ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judges of the election and qualifications of its own members, and may punish its members or other persons present by fine for disorderly behavior, may compel the attendance of its members upon its meetings, and employ the police of the city for that purpose, may fine or expel any member for neglect of duty as such members or for unnecessary absence from sessions of the council. At all confirmations by the city council, the vote shall be taken by *viva voce*, and such vote shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council shall be necessary to a confirmation.

General provisions as to the common council.

SECTION 39. The common council shall have the management and control of the finances and of all the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify,

The council; its powers; control of city finances.

amend and repeal all such rules, by-laws and regulations for the government and good order of the city, for the benefit of the trade and commerce of the city, and health of the inhabitants thereof, for the prevention of crime and for carrying into effect the powers vested in said council as they shall deem expedient; such council shall have power to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws or regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution of the United States or of this state, or of the laws thereof, and for the aforesaid purposes such common council shall have authority by ordinance, resolution, by-laws or regulations:

Licenses.

1st. To license, regulate or prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten-pin alleys, and to provide for the abatement and removal of the same under the ordinances of said city and the laws of the state; and may grant licenses for and regulate groceries, tavern keepers, keepers of ordinaries, saloons, victualing houses or other houses or places for the selling or giving away of spirituous, vinous or fermented liquor; provided, that in case an application for a license is denied, the council shall not have authority till after the succeeding first day of May to grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person at the same place, provided, further, that the council may establish saloon limits by ordinance, which said limits shall not be extended, except by a vote in favor of the same of three-fourths of all the members of the common council; and provided, further, that no such license shall be granted except by a majority vote of all the members of the common council; and the persons to whom such license is granted shall give a bond, according to law with two or more sureties.

Gambling, etc.

2nd. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

3rd. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, and all other exhibitions and amusements

Concerts and musical entertainments, etc.

4th. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill-fame.

Riots, disturbances, etc.

5th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse the same from time to time, or remove or abate the same, as it may be deemed necessary for the health, comfort or convenience of the inhabitants of said city.

Abatement of nuisances.

6th. To direct the management of and to regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city and within a distance of four miles therefrom of distilleries, slaughtering establishments, glue factories, establishments for cleaning or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Regulation of breweries, tanneries, slaughtering establishments, etc.

7th. To direct the location and management of public markets.

Public markets.

8th. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meats, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food, and to describe their duties and compensation, and cause the seizure and destruction, or other disposition, of tainted or unwholesome meat, butter, vegetables, fruit or provisions

Butchers' stalls and inspection of food.

9th. To direct or prohibit the location and management of houses for the storage of gunpowder and other dangerous and combustible materials.

Storage of gunpowder, etc.

10th. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out houses.

Same; use of candles, etc., in barns and stables.

amend and repeal all such rules, by-laws and regulations for the government and good order of the city, for the benefit of the trade and commerce of the city, and health of the inhabitants thereof, for the prevention of crime and for carrying into effect the powers vested in said council as they shall deem expedient; such council shall have power to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws or regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution of the United States or of this state, or of the laws thereof, and for the aforesaid purposes such common council shall have authority by ordinance, resolution, by-laws or regulations:

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Butchers' stalls and inspection of food.

9th. To direct or prohibit the location and management of houses for the storage of gunpowder and other dangerous and combustible materials.

Storage of gunpowder, etc.

10th. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out houses.

Same; use of candles, etc., in barns and stables.

Shooting of fire-arms and crackers.

11th. To prohibit the shooting of fire-arms and crackers, and the exhibition or use of any fire-works, at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein or annoying to the citizens thereof.

Encumbering of streets, etc.

12th. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, fire wood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever.

Horse racing in streets.

13th. To prohibit horse racing and immoderate riding or driving in the streets.

Abuse of animals.

14th. To prohibit and punish the abuse of animals.

Fastening of horses, etc., on streets.

15th. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds.

Bathing and swimming.

16th. To regulate and determine the times and places of bathing and swimming, in the canals, rivers, harbors or other waters in and adjoining the city, and to prevent any obscene or indecent exposure or conduct.

Vagrants, street beggars, etc.

17th. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Running at large of dogs.

18th. To prohibit the running at large of dogs and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Licensing of dogs.

19th. To provide for the licensing and keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of such licensed dog.

Licensing of hackmen, etc.

20th. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the permanent employment of any corporation or otherwise, who may pursue like occupation, with or without vehicles, and to prescribe their compensation, and to estab-

lish and change from time to time, stands for hacks and other public vehicles.

21st. To prohibit and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. Playing of ball, etc., on streets.

22d. To regulate, control and prohibit the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city; and also to make regulations to prevent the introduction of contagious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations, and to enforce the same within the city, and not to exceed five miles beyond the city limits. Contagious or infectious diseases.

23d. To establish hospitals, and to provide for their regulation and support. Hospitals.

24th. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. Health regulations.

25th. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemeteries within or without the city limits, and to exercise jurisdiction and control thereof; to direct the returning and keeping the bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises. Burial of dead; purchase of cemetery grounds.

26th. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinance. Running at large of cattle.

27th. To regulate the holding of public auctions. Public auctions.

28th. To prescribe and regulate the construction of sewers within the city. Sewers.

29th. To locate, purchase sites and let contracts for the erection and construction of public buildings. To acquire by gift, grant, devise, donation, purchase or condemnation, lands for Public buildings.

parks, and any other public purpose, and to sell, dispose of and convey the same.

Laying out of highways, etc.

30th. To lay out, make, open, and keep in repair, alter or discontinue any highway, streets, lanes and alleys, and keep them free from incumbrances, and protect them from injury.

Grade of streets.

31st. To establish and alter the grades of streets, and to regulate the manner of using the streets and pavements in said city and to protect the same from injury by vehicles used thereon.

Naming of streets.

32d. To name or change the name of any street.

Water works, public pounds, etc.

33d. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water for the inhabitants of the city, and to supply such city with water for fire protection and other purposes; and to secure the erection of water works, said city may, by contract or ordinance, grant to any person or persons, company or corporation, the full right and privilege to build and own such water works, and to maintain, operate and regulate the same; and in doing so to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also, by contract or ordinance, provide for supplying from such water works the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance.

Lighting of streets.

34th. To provide for lighting the streets, public grounds and buildings with gas or otherwise; and for such purpose to contract by ordinance or otherwise, with any person or persons, company or corporation, for a term not exceeding ten years at any one time, at such price, on such terms, and subject to such limitations as may be prescribed by such ordinance or contract.

Boards of health.

35th. To establish and regulate boards of health.

Abatement and removal of nuisances.

36th. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors

thereof, or persons continuing the same, by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise.

Depositing putrid carcasses in said city.

37th. To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish or hides, and on his default, to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Ringing of bells, blowing of horns, etc.

38th. To prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise.

Steam whistles.

39th. To regulate or prohibit the use of steam whistles within the limits of the city.

Sprinkling of streets.

40th. To provide for sprinkling the streets at the cost of the city, or of the lots or parts of lots fronting thereon.

Removal of snow and ice from sidewalks.

41st. To compel the owners or occupants of buildings or grounds to keep snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupants.

Driving horses and cattle on sidewalks.

42nd. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in such city or in any way doing damage to such sidewalks.

Bread.

43d. To regulate the sale of bread within the city and prescribe the size and weight of bread in the loaf and the quality of the same, and to provide for the seizure and forfeiture of bread baked contrary to such regulations.

Standard of weights and measures.

44th. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and be subject to his inspection and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state.

Sales of hay, wood, ice, etc.

45th. To regulate the weighing and sale of hay and the places and manner thereof. To regulate the sale and cutting of ice, and to restrain the sale of such as is impure. To regulate the measuring and sale of wood and the weighing and sale of coal and lime and the places and manner thereof.

License of auctioneers, brewers, pawnbrokers, etc.

46th. To license and regulate auctioneers, distillers, brewers and pawnbrokers, and keepers or proprietors of junk-shops and places for the sale and purchase of second-hand goods, wares and merchandise.

Hawkers, peddlers, runners for public houses and mercantile houses.

47th. To license, regulate and restrain hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts and other gift enterprises, to fix and regulate the amount of licenses under this subdivision, to prescribe the time in which such licenses shall be granted, to provide and enforce penalties for carrying on either of said trades, kinds of business or employment without license; and to regulate the manner in which they shall be carried on; provided, that no such license shall be granted for a less term than three months, nor for a longer term than one year.

Regulation of lumber yards, etc.

48th. To regulate or prohibit the keeping of any lumber yard and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Inspection of engines, boilers, etc.

49th. To provide for the inspection and regulation of stationary steam engines and boilers.

50th. To provide for the appointment of in-

spectors, weighers and gaugers, and regulate their duties and to prescribe their fees.

Appointment of inspectors, weighers and gaugers.

51st. To regulate the use of locomotive engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto, to direct and control the location of railway tracks in the streets, and as one of the conditions for such privilege to require railway companies to maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as may be necessary; also to regulate the running of street railway cars, the laying down of tracks for the same, and the kind of rail to be used.

Speed of railway trains in city.

52d. To provide for the appointment of watchmen and policemen, and to regulate the police and prescribe their duties.

Watchmen and policemen.

53d. To compel the owners and occupants of all houses, stores and other buildings, to number the same in such manner as the common council may from time to time prescribe.

Numbering of houses, stores, ect.

54th. To declare the weed commonly called the Canada thistle, and other noxious plants and weeds in the city, a public nuisance, and provide for the abatement of the same, as the city is authorized by law to abate other nuisances.

Noxious weeds, etc.

55th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Ornamental trees.

56th. Exclusively to erect and construct, or to permit, cause or procure to be erected and constructed, float, pivot or draw bridges over the navigable or other waters within the jurisdiction of the city, and to keep the same in repair and regulate the use thereof; said bridges to have draws of suitable width, when necessary for the purposes of navigation.

Erection of bridges.

57th. To preserve the river and canals; to prevent any use of the same, or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, ashes, dead animals, or other substances, or logs, or floating mat-

Rivers and canals.

ter; to prevent and remove all obstructions therein, and punish the authors thereof.

Re-numbering of lots and blocks.

58th. To re number the lots and blocks of the city, or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded in the office of the register of deeds.

Leasing of wharving privileges.

59th. To lease the wharfing privileges of the rivers and navigable waters at the end of streets, upon such terms and conditions as may be reserved in the leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such cases as are given by law in other cases; but no buildings shall be erected thereon. The owner or owners of adjoining lots shall in all cases have preference in leasing such property, and a free passage over the same for all persons, with their baggage, shall be reserved in such lease.

Arrest of vagrants, etc.

60th. To authorize the arrest, fine and imprisonment, of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering and rambling about, staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or, who shall be found trespassing in the night time upon private premises of others, or begging or placing themselves in the streets or other thoroughfares, or public places, to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming house, house of fortune telling, or place or cock fighting; and all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretences or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Concealed weapons and confiscation thereof.

61st. To prohibit the carrying of concealed weapons and to provide for the confiscation or sale of such weapons.

Regulate construction of buildings, chimneys, etc.

62nd. To control and regulate the construction of buildings, chimneys and smoke stacks; and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the

city, and to declare them to be a nuisance, and to provide for their summary abatement.

63rd. To regulate or prohibit the use of any hall, theater, opera house, church, school house or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of an alarm.

Regulate use of halls, theatres, etc.

64th. No common council shall have power to permit the running at large upon the streets or public grounds of the city, of any cattle, horses, mules, asses, hogs, sheep, goats, geese or poultry,

Running at large upon the streets of horses, cattle, etc.

65th. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published at least once in some newspaper published in said city, or posted in three public places in said city before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions, or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the publisher or foreman of such newspaper, or by the affidavit in writing of the officer or person posting the same, which affidavit shall be recorded therewith, and at all times and in all courts and places such record shall be deemed and taken as evidence of the passage and publication of such law, ordinance, regulation or by-law. Such record of such law, ordinance, regulation, resolution or by-law, or a copy of such record certified by the city clerk under the seal of the city, or a newspaper or any printed book or pamphlet containing the same, purporting to have been published by authority of the common council, shall be *prima facie* evidence of the due passage and publication or posting of such law, ordinance, regulation, resolution or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof shall be adopted without the affirmative vote of a majority of the common council-elect, which vote

Passage and publication of ordinances, etc.

shall be taken by ayes and noes and duly entered of record.

Ordinance requiring mayor's signature.

SECTION 40. No law, ordinance, regulation, resolution or by-law requiring the signature of the mayor, shall take effect until seven days after the passage of the same unless sooner approved in writing by the mayor.

Veto power.

SECTION 41. The mayor shall have power to veto any resolution, act or ordinance passed by the common council, by notifying the common council of his objections thereto, or by filing the same with the city clerk, at any time within seven days after the passage of the same. And in case the council shall not at its next regular meeting called for that purpose, re-enact such ordinance, or pass such act or resolution by a vote of three-fourths of the aldermen elected, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he had signed it.

Power in council to abate nuisances not to bar actions for same purpose.

SECTION 42. The power conferred upon said common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein nitroglycerine or more than one hundred pounds of gunpowder or other explosives are deposited, stored or kept, at any one time, are hereby declared and shall be deemed nuisances.

Gambling houses, etc. declared nuisances.

Examination of accounts of city officers.

SECTION 43. The common council shall examine, audit and adjust the accounts of all officers or agents of said city, and all other claims against said city at such time as it may deem proper, also on or before the last Tuesday in March, in each year; and the common council shall require each and every officer or agent of said city to exhibit his books, accounts and vouchers for such examination and settlement, and if any officer or agent shall refuse to comply with the orders or requirements of the common council in the discharge of their duties in pursuance of this section, or shall neglect or refuse

to render their accounts or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer, or person, or agent of said city, who may be delinquent or defaulting in his accounts or discharge of his official duties, and shall make a full record of all such adjustments and settlements. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his behalf, except it be for street work or hire under the supervision of a street commissioner, duly certified by him.

Council shall have power to examine official acts of officers or agents of city.

SECTION 44. The common council shall have authority to investigate and examine into all and every official act and transaction of the mayor, any member of the common council, or any other officer or agent of the city, and also into all and every official act or transaction of every person who has heretofore been a member of the common council, or held any office under the city government; and for that purpose the mayor, acting mayor, president of the common council or any member of any committee appointed by the common council shall have authority and power to administer all necessaay oaths or affirmations to persons who may be called before the common council or any committee to give testimony. The mayor, acting mayor, or president of the common council is authorized and empowered to issue a subpœna by him signed, commanding any person to appear before the common council or committee designated to testify concerning any matter under examination or investigation as above provided, and to produce before the common council or such committee any books, papers or documents relating to the matter under examination or investigation, and every person served with such process is hereby required to obey the same without the prepayment of fees.

Examinations may be had by council in session or by committee.

SECTION 45. The examination and investigation hereinbefore provided for may be had, done and taken by the common council when in session or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session.

Admission of witnesses shall not be used against them in any civil or criminal suit.

SECTION 46. Any admission which any person shall make when testifying before such committee or the common council shall not be used against him in any civil or criminal suit.

Printing and publishing to be let to lowest bidder. Publications, how proved.

SECTION 47. The common council, at its first meeting or as soon thereafter as may be, shall let to the lowest suitable bidder the contract to print and publish all matter required by this act, or by the common council or by-laws, to be printed or published. Such party shall be the proprietor of a printing office in said city, and of a newspaper which shall have been printed and issued regularly at least once a week in said city for one year next preceding the contract, and shall have at least *bona fide* subscribers within the limits of the city. Such party shall be styled the city printer. The bids shall be made in such manner, and shall be received at such time and place as the common council may direct. The common council may reject any and all bids, and the price paid for publishing any matter shall not exceed forty cents per folio for the first insertion and twenty cents per folio for each subsequent insertion. The city printer immediately after publication of any ordinance or notice which is required to be published, shall file with the city clerk a copy of such publication with his affidavit or the affidavit of his foreman, of the length of time the same has been published and the number of insertions, and such affidavit shall be *prima facie* evidence of the publication of such ordinance.

Corporate authority where vested.

SECTION 48. The corporate authority of the city shall be vested in the mayor and common council.

ACTIONS, APPEALS, BONDS, SURETIES.

Actions, how brought.

SECTION 49. All actions brought to recover any penalty or forfeiture or for the punishment of any offender for the violation of the ordinances or by-laws made by the city shall be brought in the corporate name of the city.

Judgments on convictions in actions to recover penalties or forfeitures.

SECTION 50. In case of convictions in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of such city, the court shall enter judgment for such fine, penalty or forfeiture, to-

gether with the costs of prosecution, against the defendant; and shall also enter a judgment that such defendant be imprisoned in the county jail until such judgment be paid, not exceeding, however, the term of six months; and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment, the court shall also render judgment that such defendant pay the costs of prosecution; and that he be held in imprisonment until such costs are paid, but the court shall limit such additional terms of imprisonment in its discretion, in no case, however, to exceed six months.

Appeals.

SECTION 51. Any person aggrieved by the judgment of the court, imposing a fine, penalty or forfeiture or a term of imprisonment, may appeal from such judgment to the circuit court of Outagamie county in the same manner in which offenders may under the general law appeal from the judgments of the justices of the peace, in actions where the state is a party plaintiff.

Actions not maintainable upon claims against city until claims presented to council.

SECTION 52. No action shall be maintained by any person against the city, upon any claim or demand until such a person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

Action of council on claim conclusive unless appealed from.

SECTION 53. The determination of the common council disallowing in whole or in part any claim shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Appeals from action of council disallowing claim; how and when taken; proceedings thereon.

SECTION 54. Whenever any claim against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such common council disallowing said claim to the circuit court of Outagamie county, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of the decision disallowing such claim, and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such ap-

peal and the payment of all costs that shall be adjudged against the appellant in the circuit court; the clerk in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council with its decision thereon, and shall transmit the same, together with all the papers in the case, to the clerk of the circuit court of said county. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the common council, exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the amount recovered judgment shall be rendered against the appellant for the amount of such excess.

SECTION 56. The following shall be substantially the forms to be used in the justice courts of the city in cases of prosecutions for the violation of ordinances.

COMPLAINT.

Form of complaint.

State of Wisconsin, } ss. In the justice court
City of Kaukauna, } of said city.

A. B. complains on oath to the justice court of the city of Kaukauna, that C. D. did, as the deponent verily believes, on or about the .... day of .... A. D. 189.., at said city, violate an ordinance of said city, to-wit: (here insert the title and date of the ordinance, or the chapter and section of the general ordinance), in that he did then and there contrary to said ordinance (here insert the act or omission complained of) wherefore the complaing prays that said C. D. be arrested and dealt with according to law.

A. B.,
Complainant.

Subscribed and sworn to before me this ..... day of ....., A. D., 189..

E. F.,
Justice of the Peace.

WARRANT.

State of Wisconsin, } ss. In the justice court
City of Kaukauna. } of said city.

Form of warrant.

The state of Wisconsin, to the city marshal or any police officer of said city, or to the sheriff or any constable of the county of Outagamie. You are hereby commanded to arrest and bring before said court as soon as may be, and safely keep subject to the order of said court, the body of C. D., charged with violating one of the ordinances of the city of Kaukauna.

Dated .....

E. F.
Justice of the Peace.

A certified copy of the judgment of the court shall constitute the commitment of any person sentenced to imprisonment by said court. In cases wherein the offender shall be sentenced to pay a fine and costs or be imprisoned, in the alternative, the justice shall indorse upon the commitment a statement of the amount remaining unpaid of such fines and costs.

FIRE DEPARTMENT.

Organization of volunteer fire companies.

SECTION 56. The common council shall have power to provide by ordinance, for the organization and management of volunteer fire companies, and to appropriate from the general fund such sums as shall be deemed requisite for the aid of such companies in procuring apparatus and outfit, and for maintaining and housing the same, and to provide by ordinance for the appointment of a chief engineer, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section.

Council may fix fire limits and regulate construction of buildings therein.

SECTION 57. The common council shall have power to fix and designate fire limits within which no buildings having wooden outside walls shall be constructed or repaired so as to increase their value beyond a percentage to be fixed in the ordinance, prescribe special fire limits, within the general fire limits, within which special fire limits they may require such building material to be used and such additional precautions to be ob-

served, both in the construction of new buildings and the repairing and maintenance of existing buildings as they may from time to time designate, for the prevention of fires and the spread and communication thereof; and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits or any particular provision thereof; and to that end they may provide for the appointment of a building inspector or fire wardens, designate their authority, fix their term of office and provide for their compensation.

Establishment of paid fire department; chief engineer and assistants.

SECTION 58. It shall be competent for the common council to provide by ordinance for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and to maintain it at the sole expense of the city; to provide for the appointment of a chief engineer of the fire department, and as many assistants as may be deemed necessary, and fix their salaries and to provide for the appointment and compensation of as many firemen as shall from time to time be necessary.

Purchase of fire-engines and apparatus.

SECTION 59. In case the city shall establish a paid fire department under this act it shall be competent for the common council to provide for the purchase and maintenance of all necessary fire-engines, engine houses and fire stations, fire alarms, fire signals, telegraph or telephones, and for the use of all known means of extinguishing or preventing fires, and the common council may appropriate the necessary sums for carrying the foregoing provisions into effect.

Fire account to be kept by city treasurer.

SECTION 60. In case the common council shall establish a paid fire department, the city treasurer shall keep a separate account, with the general fund, to be called the fire account, in which shall be entered all disbursements for or on account of the fire department, and all appropriations made, and all taxes collected for its use.

Pension fund for relief of disabled firemen.

SECTION 61. The common council may establish a fund for the relief of firemen injured in the discharge of their duties and for the relief of the families of firemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof;

and may require all active firemen to contribute not to exceed two *per centum* of their wages to said fund.

PUBLIC SCHOOL SYSTEM.

SECTION 62. The supervision of public instruction shall be vested in a board of education, consisting of the mayor and the director and clerk of each school district. The city superintendent of schools shall be *ex-officio* a member of said board, but not be entitled to a vote. Board of education, how constituted.

SECTION 63. Regular meetings of said board shall be held on the last Wednesday of December, March, June and September in each year at such place as the board may designate; and special meetings may be called by the city superintendent or any two members of the board by leaving a written notice thereof at the residence of each member. Meetings of the board.

SECTION 64. A majority of the whole board shall be necessary to constitute a quorum for business. The mayor shall preside at all meetings, but in his absence any one of the members present may be chosen chairman *pro tem.* Majority of board a quorum, etc.

SECTION 65. The duties of the board of education shall be as follows: Duties of board.

1st. To elect annually, at the regular meeting in June, a superintendent of schools and one of their number to officiate as clerk. Such clerk shall keep a record of the proceedings of each meeting and discharge such other duties as the board may direct.

2nd. To arrange and determine the boundaries of school districts and to form new districts, subject to the approval of the common council; provided, that hereafter no joint district shall be formed of a portion of the city and a portion of any adjoining town.

3rd. To arrange terms and vacations of all public schools and establish uniformity in the school system.

4th. To require uniformity in text-books, and to adopt or reject text-books at will; provided, that text-books shall not be changed oftener than once in five years.

5th. To institute uniform regulations for

schools not conflicting with the constitution or laws of this state.

SECTION 66. The duties of the city superintendent shall be as follows:

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in said city.

2nd. To annul a teacher's certificate whenever he may think proper; provided such teachers shall have the right to appeal to the board of education.

3rd. To visit each school department in said city at least three times during each term.

4th. To report to the board of education at each regular meeting relative to the condition of schools under his supervision; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

Members of board not entitled to compensation; salary of clerk; stationery.

SECTION 67. The members of the board of education shall not be entitled to any compensation for their services, but the common council shall provide them with all the necessary books and stationery, and a suitable place to hold their meetings, and the common council may in its discretion, allow a reasonable compensation to the clerk of the board of education.

School district; certain outlying territory attached to city for school purposes only.

SECTION 68. Whenever the electors of any school district, at the annual or adjourned meeting, shall neglect or refuse to levy such an amount of tax as is necessary to pay teachers' wages or defray incidental expenses, the school district board may appeal in writing from such action to the common council, and that body shall thereupon have authority to levy such amount of tax for teachers' wages and for incidental expenses in said district as the majority of the aldermen-elect shall determine.

Teachers' wages; tax to be levied to pay the same, how.

SECTION 69. All that territory now constituting joint school district number one, of the city of Kaukauna and the town of Buchanan, not included within the corporate limits of said city of Kaukauna and all that territory now constituting joint school district number two of the town of Kaukauna, and the city of Kaukauna, and not included within the corporate limits of said city, shall constitute and be a part of and be attached

to the city of Kaukauna for school purposes only, and when the common council of the city shall determine at any time to levy a school tax in addition to that levied by the said districts, and shall fix the rate *per centum*, the clerk of said city shall notify the town clerks of said towns in writing, of the *per centum* so determined by the common council, and said town clerks shall assess the same rate upon all real and personal property of their respective town so attached, and the town treasurer of said town shall collect the same, in the manner of collecting other town taxes, and when collected pay the same over to the city treasurer of the city of Kaukauna, for school purposes of the said city.

Salary of city superintendent.

SECTION 70. It is hereby made the duty of the board of education, at their regular meeting in March in each year, to determine and fix the salary of the city superintendent for the ensuing year, and the salary so fixed shall not be increased or diminished during said year.

Salary, how paid.

SECTION 71. The amount of salary of the city superintendent as fixed by the board of education, shall be payable in equal portions by the several school districts of said city, and shall be assessed, levied and collected the same as other district taxes, except that no vote of the electors of said district shall be necessary to raise the same, but it is hereby made the duty of the several district clerks to include in their report of the amount of taxes raised in their districts, the proportion of such salary due from their districts; such amount shall be paid by the said districts to the city superintendent, upon the written order of the board of education of said city, said order to be signed by the chairman and clerk of such board.

Apportionment of salary among several districts.

SECTION 72. It is hereby made the duty of the clerk of the board of education of said city, on or before the first Monday in July in each year, to report to the several school district clerks of said city the amount of salary to be paid the city superintendent for the ensuing year, with the portion of such salary due from each district.

City and certain towns exempt from provisions of certain law.

SECTION 74. The city of Kaukauna, and that part of the town of Buchanan, and the town of Kaukauna, which is hereby attached to said city for school purposes, is hereby declared to be forever exempt from the provisions of an act "To

create the office of county superintendent of common schools, approved April 6, 1851," and of all subsequent amendments thereto, and said county superintendent shall possess no authority as such over the schools of said city, and the territory so attached.

General laws relating to schools to be in force in city and adjoining territory.

SECTION 74. All the laws of this state relative to public schools, so far as the same shall be applicable and not inconsistent with the provisions of this chapter, shall apply to and be in force in the city of Kaukauna, and the territory attached to said city for school purposes.

FINANCE AND EXPENDITURES.

Fiscal year.

SECTION 75. The fiscal year shall commence on the first day of April in each year, and close on the thirty-first day of March next succeeding.

Funds in the treasury, under control of council; how drawn out.

SECTION 76. All funds in the city treasury except school funds, funds created and set apart for the payment of interest and principal of the debt of the city and funds collected on special assessments, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council. All orders drawn upon the city treasury shall specifiy the purpose for which they are drawn, and shall be payable out of any funds in the city treasury not otherwise apppopriated. City orders shall not be receivable for all city taxes except school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of the said city, which shall be collected in money or in orders upon such fund respectively. All orders shall be payable to the order of the person in whose favor they are drawn.

Funds to be paid out only for purpose for which appropriated.

SECTION 77. The city treasurer shall not pay out any of the funds in his hands which shall be appropriated by law for any special purpose, except for the purpose for which such funds are especially appropriated, any direction of the city council to the contrary notwithstanding.

Debt to be contracted only on majority vote of council.

SECTION 78. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer unless the same shall be have been authorized by a vote of a majority of all the members of the common council,

and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Money to pay orders must be in treasury before order drawn.

SECTION 79. The common council shall not authorize the issue of orders upon the city treasurer unless the money to pay the same is in the hands of the treasurer to the credit of the fund upon which the order is drawn.

Treasurer's statement of condition of treasury to be filed with city clerk monthly.

SECTION 80. The treasurer shall on the first day of each month deliver to the city clerk a statement showing the condition of the treasury at the close of the preceding month, and statement of all disbursements since the last report. The city clerk shall place the same before the common council for its consideration at its next meeting. When said report shall have been approved the city clerk shall preserve the same with the vouchers referred to therein in his office.

Council may borrow money, when.

SECTION 81. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty *per centum* of the tax levy for the same purpose the preceding year. Certificates of indebtedness may be issued therefor, signed by the mayor and clerk, bearing interest not exceeding the legal rate *per annum*, and payable not later than the fifteenth day of January after the same are issued; provided, however, that no such loan shall be made unless authorized by a vote of at least three-fourths of all the members of the common council at a regular meeting thereof.

Bonds may be issued for certain purposes.

SECTION 82. The common council shall have authority to issue bonds for the following purposes only:

First. Building school houses.

Second. Building bridges.

Third. Building public buildings for the use of the city.

Fourth. Purchase of apparatus for fire protection.

Fifth. Construction of main sewers.

Sixth. Water works.

Seventh. Public parks.

Provided, that no such bonds shall be issued unless authorized by ordinance, adopted by a vote in favor of the same of at least three-fourths of all the members of the common council-elect. Said vote to be at a regular meeting not less than

one week after the proposed ordinance shall have been published in the official paper of the city; and provided further, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city, shall exceed five *per centum* of the assessed valuation of such city at the assessment preceding the issue of such bonds; and provided further, that all such bonds issued shall be payable at the pleasure of the city in not more than five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six *per centum per annum*, payable semi-annually.

Claims against city to be itemized and verified.

SECTION 83. All claims and demands against the city shall be itemized, verified by the oath of the claimant or some one in his behalf and filed with the city clerk, who shall place the same before the city council for its action at the next meeting. When the council shall have taken final action, if the person making such claim or demand feels aggrieved by such action, he may appeal from such action in the manner provided in this act.

Pay rolls.

SECTION 84. The common council may provide for the payment of persons employed by the city on monthly pay rolls and shall prescribe the form of the same; provided that said pay rolls shall be passed upon by the common council the same as other claims.

ASSESSMENT AND COLLECTION OF TAXES.

Property subject to taxation.

SECTION 85. All property in the city subject to taxation under the laws of the state, shall be subject to taxation for all purposes authorized by this act.

Assessment, when to be made.

SECTION 86. The assessor shall within the time and in the manner prescribed by law for making the assessment of property for taxation under the revised statutes of this state, make an accurate assessment of all property in the city subject to taxation; provided that the assessment roll for the entire city or the roll for each ward of the city shall be made as the council may direct.

Board of review, how constituted.

SECTION 87. The mayor, city clerk and assessor shall constitute the board of review; provided, that the common council may by ordinance provide for an increase of membership of said board,

by adding thereto not exceeding five members of the common council.

SECTION 88. The board of review shall meet on the first Monday of July of each year, and proceed as such board as prescribed by the laws of this state.

Meetings of board.

SECTION 89. When the roll or rolls shall have been examined and completed by the board of review, the assessor shall deliver the same as completed and verified as required by the statutes of this state, together with all statements of valuations to the city clerk who shall preserve the same in his office.

Completed and verified assessment roll to be delivered to city clerk.

SECTION 90. On or before the first Tuesday of December in each year the council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized, not exceeding the limit provided by law, and in making such levy they shall take into consideration the estimated amount that will be received by the city during the fiscal year from licenses

Levy of annual tax.

SECTION 91. It shall be the duty of the city clerk to make out a complete tax roll in the manner and form prescribed by law, and as soon as practicable after the levy shall have been made by the common council, as prescribed in the preceding section, and the certificate of the county clerk showing the amount of state and county taxes apportioned to the city shall have been received, to cause the same to be extended upon such tax roll upon a uniform percentage, by setting opposite the description of each lot, tract or parcel of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the sums of taxes so levied as may be chargeable upon such lot, tract or parcel of land or against such person, and also enter and extend upon such tax roll all special assessments required to be entered therein. To such tax roll shall be appended a warrant signed by the mayor and clerk, substantially in the following form:

Preparation of tax roll by city clerk.

"To ...., city treasurer of the city of Kaukauna:

Form of warrant prima facie evidence that land was subject to taxation etc.

You are hereby required to collect from each of the persons and corporations named in the annexed tax roll, and from the owners and occupants named, of the real estate described therein,

the taxes set down in such roll opposite to their respective names, and to the several parcels of land described therein; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday of January next, the sum of .... for state taxes, you are to retain and pay out as city treasurer, according to law, the sum of .... and the balance of said moneys you are required to pay to said treasurer for county purposes on or before the day above specified; by which day you are further required to make return to said treasurer of this warrant with said roll annexed, together with your doings thereon as required by law."

...., Mayor.
...., Clerk.

Dated the ..... day of ....., 189..

Tax roll and warrant to be prima facie evidence of taxation therein.

SECTION 92. The tax roll and warrant thereto attached shall be *prima facie* evidence in all courts that the land and persons therein named were subject to taxation and to the special assessments therein entered, and that the assessment was just and equal, and the same shall be delivered to the city treasurer on or before the fifteenth day of December in each year.

When council may remit or annul or cancel tax.

SECTION 93. After the tax roll shall have been delivered to the treasurer, as provided in the preceding section, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

1st. When a clerical error has been made in the description of the property or in the extension of the tax.

2nd. When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making the assessment.

3rd. When the property is exempt by law from taxation.

4th. When a person has been assessed the same year for the same property in more that one ward or place.

SECTION 94. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lot or tracts upon which the same may be a lien, and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax.

Special taxes to be carried out on tax roll.

SECTION 95. On the receipt of such tax roll the treasurer shall give one week's notice thereof in the official paper; such notice shall specify that the taxes must be paid before the tenth day of January following.

Notice of time when taxes payable.

SECTION 96. On the expiration of the time specified the treasurer shall proceed to enforce the collection of such taxes in the manner provided by law; provided, however, the treasurer shall issue his warrant directed to the city marshal of the city, requiring him within a time specified in such warrant, to collect the taxes on personal property as shall then remain unpaid, and the city marshal receiving such warrant shall possess all the powers given by law to town treasurers for collection of such taxes, and be subject to the liabilities of town treasurers and entitled to the same fees as town treasurers in such cases.

Collection of taxes; marshal to collect personal property tax.

SECTION 97. Before the treasurer shall sign his warrant to the city marshal, as provided in the preceding section, such city marshal shall give a bond to the city, in such sum and with such sureties as the common council may prescribe, for the payment to the city treasurer of all taxes by him collected or received by virtue of such warrant.

Marshal's bond.

SECTION 98. Within the time required by the statutes of this state in the case of town treasurers for the return to the county treasurers of the delinquent taxes on personal and real property, the said city marshal shall return his warrant for the collection of taxes of personal property to the treasurer.

Return of warrant by marshal.

SECTION 99. Out of the taxes collected the treasurer shall first pay the state tax to the county treasurer and shall then set aside all sums of money levied for school taxes, then moneys levied for the payment of judgments, then all sums raised as special taxes in the order in which they are levied, then taxes for the payment of principal and interest on the public debt, then taxes for bridge purposes, then for fire purposes, then for street and other public improve-

Disposition to be made of taxes collected.

ments, and lastly county taxes. Delinquent returns shall be made to the county treasurer the same in all respects as required by the general laws of this state, and thereafter such proceedings shall be had with reference to the delinquent taxes so returned to the county treasurer as are provided for in case of delinquent returns from towns.

Directions herein given directory merely, errors or informality not to be regarded.

SECTION 100. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax, shall vitiate or in any wise affect the validity of such tax or assessment.

EMINENT DOMAIN.

Council may condemn land for public purposes; proceedings.

SECTION 101. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house, or any other lawful municipal purpose, or for erecting hospitals or pest-houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act, amendatory thereof, or by any act of the legislature, and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain, or upon a donation thereof, or in a manner as follows: Whenever it shall in the opinion of the common council, be necessary, said council shall declare by resolution that it is necessary to take such lots or lands, for any of the purposes above set forth giving a description of the premises, defining separately each parcel thereof, and the purpose for which they are to be taken, the common council shall thereupon cause a written notice as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners thereof, if the place or resi-

dence of such owner or owners is known or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of this state or their place of residence after due diligence by the city attorney of said city cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or on the owner or owners, the residence of whom cannot be ascertained, by causing the same to be published for six weeks in a newspaper published within the county of Outagamie, at least once each week, and by causing such notice to be mailed postpaid to the address of such owners within five days from the time of the first publication of such notice, when the postoffice address of such owner is known.

Notice, what to contain.

SECTION 102. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further that at a time and place to be therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of Outagamie county for a jury to inquire and determine whether it is necessary to take the land or any part thereof, described in such resolution, for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for, to meet and discharge such duty, and the judge aforesaid shall fix the time and place so named in the precept hereinafter mentioned, and no other notice thereof shall be necessary.

Appointment of jurors.

SECTION 103. At the time fixed in such notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state, shall appoint twelve competent persons having the qualifications of jurors in and for the county of Outagamie, and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be

disqualified. The same rights of challenge peremptorily, or for favor or cause may be exercised by the city attorney and by such land owner whose land is sought to be taken by his agent or attorney, as party to a civil action in a circuit court is entitled to have; and the judge shall decide the same in like manner, and replace the name of any juror successfully challenged by the name of some other competent person, until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them, and each of them to appear before him on the day named in the notice to such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duties as such jurors, and a true verdict give, whether it is necessary to take such land, or any part thereof, mentioned in such resolution for the purposes therein specified.

Talesmen.

SECTION 104. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jury to view premises and hear testimony

SECTION 105. The said jurors shall forthwith under the direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested whose testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Verdict of jury; if jury disagrees another to be appointed.

SECTION 106. After having made such view and heard such testimony as shall have been produced, the said jury, under direction of said judge, shall deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the

papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Outagamie county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall on the application, furnish a certified copy of the same or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling for such jury in the precept therefor, but no further notice thereof shall be necessary to any party. A third jury shall not be called except by the direction of the common council.

Costs, how paid.

SECTION 107. The costs of the forgoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands in question to the public use, or if the proceedings shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred and taxable attorney's fees not to exceed twenty-five dollars.

Appointment of commissioners to appraise damage.

SECTION 108. Should the necessity for the taking of the premises or any part thereof mentioned in the resolution of the council be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damage to the owner or owners of the premises so found necessary to be taken, by the reason of the taking of the same for the purposes specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court of Outagamie county, briefly setting forth that the necessity for taking the premises had been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of the owner or owners of such land, and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of

the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required and in the manner provided in section 101 of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing to ascertain and appraise the compensation to be made to the owners of, or persons interested in the land, so found necessary to be taken, and fix a time and place for the first meeting of said commissioners.

Buildings to be appraised separately.

SECTION 109. If there should be any buildings standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their statement, shall first estimate and determine the whole value of such building to owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to be moved.

Notice of determination of commissioners to be served on owner.

SECTION 110. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication for three successive weeks in a newspaper published in Outagamie county; such notice shall specify the building and award of the commissioners. It shall also require the parties interested to appear at a day therein named, or give notice to the common council, of their election to accept the award of the commissioners and allow such building to be taken, with the lands appropriated, or their intention to remove such building at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have time for this purpose as the common council shall allow.

Sale of building if owner refuses to remove same; disposition of proceeds.

SECTION 111. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct

the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited for him in the city treasury.

When property belongs to different owners, how award made.

SECTION 112. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons in interest respectively, may be awarded to them by the commissioners less the benefit resulting to them respectively from the proposed improvement.

Report of commissioners to be filed in office of clerk of circuit court.

SECTION 113. A majority of the commissioners appointed shall be competent to determine all matters before them; and they shall within twenty days after viewing any of the land so taken, make and file in the office of the clerk of the circuit court of said county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. Whenever the commissioners shall have completed their duties the common council may by resolution order such improvements to be made and the land which has been so found necessary to be taken therefor, to be taken and used; and in such case the city shall be absolutely liable to the owner or owners, or parties entitled thereto for all compensation that may be established therefor; and the council may also make an assessment of the compensation therefor to be paid, with the costs of the proceedings, or such part thereof as it shall determine to be just upon the lands found by them to be directly benefited by such improvements in such proportions to the benefit enjoyed as it shall determine.

Appeal from award of commissioners, how taken.

SECTION 114. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court of Outagamie county within twenty days from the time of awarding of compensation or assessments of benefits, by serving on the mayor or city clerk a notice of appeal therefrom and giving a bond to the city in not less than one hundred dollars, to be approved by the mayor or city clerk to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of com-

pensation, or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city, by giving notice to the opposite party without giving bonds. Upon filing such notice with the clerk of the circuit court the appeal shall be considered an action pending in court for trial there, as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by a jury unless a trial by jury be waived by both parties; costs shall be allowed to the successful party as in other like actions in said court.

Report to be recorded by clerk of circuit court.

SECTION 115. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, and at any time after the making of such award the city may set apart in its treasury to the order of the owner or owners of the land so taken, or pay the same to such owner or owners, or to the clerk of said court, for the use of such owner or owners, the amount awarded by the commissioners and thereupon may enter upon, take and use the land for the purpose for which it was condemned, and may obtain from either of said judges upon twenty-four hours notice a writ of assistance to put its officers or agents in possession of the same, provided that no appeal be pending.

Taking of land to work release of all contracts touching same.

SECTION 116. When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof, shall, upon confirmation of such report, respectively cease and be absolutely discharged.

Contracts touching land to be only discharged as to part taken.

SECTION 117. When only a part of a lot or tract of land or other premises so under lease, or contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same upon the confirmation of such report shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments reserved, payable and to be paid for, and in respect to the same, shall be so proportioned that the part thereof justly and

equitably payable for such residue thereof; and no more shall be paid or recoverable for or in respect to the same.

Appointment of guardians for infant owners.

SECTION 118. When any known owner of lands or tenants affected by any proceeding under this charter, shall be an infant or labor under any disability, the judge, before whom the proceedings are pending, may, upon the application of the council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by the foregoing provisions shall be served upon such guardian.

Oath and compensation of commissioners.

SECTION 119. The commissioners appointed under this act shall, before they enter upon the performance of their duty, take an oath before the judge appointing them, faithfully and impartially to discharge their duties as such commissioners. They shall be entitled to such compensation as the court may direct, which shall be paid by the city.

Amendments; appointment of commissioners in lieu of those neglecting to serve.

SECTION 120. The judge or court, before whom proceedings are pending, shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new portions to be added, and to direct such further notices to be given to any party interested, as he deems proper; and also to appoint other commissioners in place of any who may die, or refuse or neglect to serve, or be incapable of serving.

Survey and profile of streets and alleys to be filed with city clerk.

SECTION 121. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged, or other public improvements made under the provisions of this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office or the city clerk.

Changing names of streets, vacating plats, etc.

SECTION 122. The council shall have the power to change the name of any street, and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in a paper published in said city or posted in at least three public places prior to the meeting of the council.

Roads and streets through unplatted lands.

SECTION 123. Roads or streets may be laid out through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Provisions herein regarded as directory merely; informalities to be disregarded.

SECTION 124. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act not affecting substantial justice, shall in any way affect the validity of the proceedings.

CITY IMPROVEMENTS.

Cleaning and repairing of streets, bridges, sidewalks, etc.

SECTION 125. The common council shall adopt general regulations for the cleaning and repairing of streets, alleys, highways, bridges, sewers, sidewalks, crosswalks and public grounds, and requiring the owners and occupants of lots or parcels of land bordering or abutting on any street, alley or highway, to keep in repair or rebuild the sidewalks adjoining their premises; and in case the owner or occupant of such lot or parcel of land, after due notice, shall neglect or refuse to repair or rebuild any such sidewalk, the street commissioner shall, in pursuance of such regulation, or of the order of the common council, cause the same to be done at the expense of said lots or parcels of land adjoining thereto; and the street commissioner shall, prior to the second Monday in November in each year, make a report in detail to the city clerk duly verified, of the amount of tax properly chargeable against each lot or parcel of land, for all work done and unpaid for under the provisions of this section; and such amount shall be a lien upon such lot or parcel of land and with other or like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences both as to collection of taxes and sale of lot, or parcel of land for unpaid taxes prescribed in this act.

Ordinance requiring repair of sidewalk or gutter, or grading of streets, how to be passed.

SECTION 126. Every ordinance, resolution or by-law providing for repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street, at the expense in whole or in part, of the owners of lots or parcels of land abutting or fronting such sidewalks, gutter or street, shall, on being introduced

at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than two weeks after the introduction of such ordinance, resolution or by-law, nor until one week's notice of the introduction of such resolution shall have been published in a newspaper published in said city, or by posting three notices in three public places in said city; provided, that when said ordinance is introduced on petition of all the lot owners subject to the special assessment of such ordinance, no notice, by publication or otherwise need be necessary.

Construction and repair of sidewalks.

SECTION 127. Sidewalks shall be constructed re-constructed or repaired upon the proper established grade, of any street in said city, such width, in such manner, of such materials, and in such time as the common council by resolution, ordinance or order shall direct, by the owner or owners of any lots or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk, as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, who shall file a bond with the city clerk for the amount of the contract in full, for the faithful performance of such contract, and notice shall be given for one week in a newspaper published in said city, or by posting notices in three public places, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of land in front of which any such sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, no such contract shall be let until two weeks after such notice shall have been given to such owner or owners, either personally or by publication for one week in a newspaper published in said city or by notices posted in three public places in said city.

Repair of sidewalks; duties of street commissioner.

SECTION 128. The comman council shall have power by a vote of two-thirds of all its members to order the building, construction, re-construction or repair of sidewalks in such manner as it may

deem proper. The proceedings for ordering the repair of sidewalks and the levying of special taxes on the respective lots to pay for the same, shall be the same as hereby provided in case of building a new sidewalk, except as otherwise provided in this section. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the sum of five dollars, in front of any one lot or part of lot, to repair, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed he shall make out an itemized bill of the cost of such repairs, specifying the lot or part of lot, block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Kaukauna, for the payment, and if such owner shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the common council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in said city, the said street commissioner shall return said amount to the common council with his certificate stating that fact, and the common council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Costs and expenses of surveys, where chargeable.

SECTION 129. The costs and expenses of surveying streets, alleys, sewers and gutters and of estimated work thereon, in the execution of any public improvements, shall be chargeable to and payable by the north or south side road district fund as the case may be. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys, may be chargeable to and payable wholly or in part by the lots or lands fronting on such streets and alleys, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land, and the center of such street or alley or such proportion thereof as the council shall determine or out

Cost of grading, etc., where chargeable.

of the north or south side road district funds as the case may be.

Penalty for interfering with or retarding work on streets.

SECTION 130. Every person, who shall interfere with, molest or hinder any alderman, street commissioner, contractor or sub-contractor or retard the work on streets after the same is ordered let and under contract, on any street, drain, sidewalk or other street improvements, shall be liable to pay a penalty of ten dollars, which shall be sued for and recovered with costs, of such person or persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for violation of the city ordinances herein provided.

Contracts for work, how let.

SECTION 131. The common council may by a vote of two-thirds of its members advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the contract for the construction of, or re-building of any sidewalks, gutters, grading, paving, cleaning of streets, alleys, reservoirs, sewers, building or re-building bridges, or any other improvement.

Platting of land in city lots; duty of owner.

SECTION 132. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the limits of the city of Kaukauna, who may desire to subdivide or plat such lot or tract of land in city lots shall in platting the same cause the streets, avenues and alleys in such plat to correspond in width and general direction with the streets, avenues and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted; and before recording such plat as required by law it shall be the duty of the person or persons making such plat to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same in the manner prescribed by the statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by the common council, a copy of which duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Outagamie county, to receive such plat for record; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum of not less than

one hundred dollars, and not more than one thousand dollars, and the register of deeds who shall record such plat without a resolution of the common council thereto attached approving the same, shall forfeit and pay a sum of not more than one hundred dollars and not less than fifty dollars, for the use of said city, and before any such plat shall be approved as aforesaid, there shall be filed in the office of the city clerk a certified copy of such plat.

Moving of buildings through streets.

SECTION 133. No building shall be moved through the streets or obstruction be placed therein without a written permit therefor granted by the mayor; said mayor shall have power to determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles; provided, however, that the decision of said mayor in this regard may be appealed from to the council.

Street, alley or sidewalk, excavated, altered or taken up to be restored to former condition.

SECTION 134. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk, excavated, altered or taken up within the time and in the manner directed by the mayor, said mayor shall cause the same to be done at the expense of said corporation or individual.

Public works costing over one hundred dollars to be let to lowest bidder.

SECTION 135. All public works, the estimated cost of which shall exceed one hundred dollars, shall be let by contract to the lowest bidder; and all other public works shall be let as the common council may direct. When the work is directed to be let to the lowest responsible bidder, or when such work is required to be so let under the provisions of this section, the common council shall advertise for proposals by publishing a notice in some newspaper, printed and published in the city, and at least once a week for at least three successive weeks. Before such proposals are advertised for, a profile of the work to be done, together with the specifications, shall be placed on file for the inspection of bidders, and a form of contract with sureties as the same will be required to be executed by bidders shall be prepared and a copy of the same furnished to any person desiring to bid on the work. No bids shall be received when not accompanied by a contract with sureties executed on the part of the bidders, and such

sureties, which sureties shall justify as to their responsibility and by their several affidavits, and show that they are worth in the aggregate at least the amount mentioned in the contract in property situated in the state of Wisconsin, not by law exempt from execution.

Contractors to maintain barriers and lights to prevent accidents.

SECTION 136. All contractors doing any work which shall in any manner obstruct the streets or sidewalks, shall put up and maintain barriers and lights to prevent accidents, and shall be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability; and shall also contain a provision making the contractor liable for all damages caused by negligent digging up of streets, alleys, or public grounds, or which may result from any carelessness of such contractor in the prosecution of such work.

Contracts not completed within specified time may be completed by common council.

SECTION 137. All contracts shall contain a provision authorizing the common council in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties.

THE BOARD OF SEWERAGE COMMISSIONERS.

Board of sewerage commissioners.

SECTION 138. There shall be a department known as the board of sewerage commissioners, to consist of three members. They shall be appointed by the mayor and confirmed by the council, at their first regular meeting or as soon thereafter as may be; and the members of the first board shall hold their offices one, two and three years respectively, and thereafter they shall hold their offices for three years, or until their successors are appointed and qualified. The commissioners shall receive such compensation as the common council shall determine.

Officers of board.

SECTION 139. The members of the board of sewerage commissioners shall, on the first Tuesday in May of each year, choose a president of the board from their number; the city clerk shall be the secretary of the board by virtue of his office.

Oath and bond of members of board.

SECTION 140. Each member of the board of sewerage commissioners shall before entering upon the duties of his office, take and file in the office

of the city clerk an oath of office, and shall give a bond to the city, with sufficient sureties, in such form and sum as the council may direct for the faithful performance of his duties.

Rules.

SECTION 141. The common council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this act, for the government of the board of sewerage commissioners and the manner in which the business of said board shall be conducted.

Record of proceedings of board to be kept and reports to be made.

SECTION 142. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of the city. They shall make a report to the council on or before the first day of March in each year, and oftener if required.

Duty of board.

SECTION 143. It shall be the duty of the board under the direction of the common council, to superintend all sewerage construction and repairs.

SEWERS.

Division of city into sewerage districts; council may construct sewers.

SECTION 144. The common council shall have full power to construct systems of sewerage, but shall not enter upon such construction until the city shall have been divided into sewerage districts and a plan shall have been adopted in the manner hereinafter specified; provided, that it shall not be necessary before any part of the system is constructed, that the plan shall be determined upon in all its details, but it shall be settled so far as relates to that portion of the system upon which the construction is commenced.

Diagrams to be prepared.

SECTION 145. The board of sewerage commissioners shall cause diagrams of the plans of the sewerage for each district to be prepared showing the lots and parcels of land, the main sewers, minor sewers, man-holes, catch-basins, and all other matters pertaining to the system.

Form of notice of preparation of plan of sewerage.

SECTION 146. On the completion of such diagram, notice shall be given in the official paper of the city, substantially in the following form:

Notice is hereby given that a plan of sewerage for the district bounded as follows ..... has been prepared and is now open to inspection at the office of the city clerk; all persons owning or interested in real estate in said district are en-

titled to examine the same at any time within thirty days after the first publication of this notice, and file objections to the said plan. On the ..... day of ....., 18.., this board will be in session to consider any objections that may have been filed and all persons desiring to be heard before the board can be heard. Dated .....

.....

.....

Board of Sewerage Commissioners.

The day for the hearing specified shall be within thirty days after the last publication of said notice. Said notice shall have been published at least once in each week for four successive weeks.

Hearing of objections to proposed plan.

SECTION 147. On the day specified for said hearing before the board they shall take up and consider all objections made to the plans as proposed, and shall take down in writing any testimony that may be offered to sustain said objection. When the board shall have concluded said hearing they shall report the proposed plan with all objections overruled and the evidence taken thereon to the common council. The common council shall then examine the same and may approve the plan as proposed or change it in such manner as they may think proper and approve as changed or modified by them, or may reject the plan and direct the board to propose a new plan, in which case the same proceedings shall be had as before.

Diagrams to be filed in office of city clerk and register of deeds.

SECTION 148. When the plan of any sewerage district is finally determined, complete diagrams of the same shall be prepared in duplicate and certified to be correct by the board of sewerage commissioners. One of which diagrams shall be filed in the office of the city clerk and one in the office of the register of deeds of the county of Outagamie.

Recommendations of board to be presented to council.

SECTION 149. On or before the first Monday of March in each year, the board shall present to the council a report of the sewers necessary or advisable to be constructed during the ensuing year. The council shall, as soon as practicable, consider said report; they may approve the same or make some additions or changes as to them may seem best, and adopt the report as changed or modified. No sewer shall be constructed during the ensuing year except such as shall have been determined

upon in the manner aforesaid, except by a vote of three-fourths of all the members of the common council. The board shall proceed to construct the sewers determined upon, when, and as ordered to do so by the common council.

Advertisements for bids for sewerage contracts; plans and specifications to be on file in office of board.

SECTION 150. After the common council shall have ordered the construction of any sewer, the board of sewerage commissioners shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file in the office of the board, for the examination and guidance of bidders, plans and specifications describing the particular work to be done, and the kinds and qualities of materials to be used as directed by the common council, and shall let the contract to the lowest responsible and reliable bidder; provided, however, that the board shall have the right to reject all bids and re-advertise for proposals if they believe none of the bidders are responsible, or if they believe any agreement has been entered into between the bidders to prevent competition; and, provided further, that the contract shall not be binding till the same shall have been approved by the common council and countersigned by the mayor and clerk.

Contractor may be paid in certificates or improvement bonds.

SECTION 151. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive in payment for so much of the work as has been assessed against the lots opposite to the front of which any sewer shall extend, certificates against such lots respectively, or improvement bonds, and the residue of such contract shall be paid out of the proceeds of the general sewerage tax, to be levied on the real estate and personal property within the sewerage district, by the common council, on the recommendation of the board of sewerage commissioners.

Assessments for sewerage improvements, how made.

SECTION 152. After any contract for work under this act to be paid for in whole or in part by such assessment shall have been entered into, the board of sewerage commissioners shall make or cause to be made an assessment against all lots, parts of lots or parcels of land, fronting or abutting on the work so contracted to be done, on each side of the same for its whole length, and which have not been before so assessed for sewer-

age purposes, at the rate of one dollar per lineal foot of the whole frontage of each lot, part of lot or lots, or parcel of land fronting or abutting on either side of said sewer, except corner lots which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots constituting the actual corner lots subdivided in ownership, shall be entitled to a deduction in making sub-assessments of one-third from the aggregate of the street lines of such corner lot or corner subdivisions thereof on all the streets in front thereof; such deduction to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof, or in case of equal street lines thereof in the assessment for the second sewer to which they are liable; provided, however, that when the actual cost of any sewer shall be less than two dollars per lineal foot, then, in that case, the assessment shall be for the actual cost of such sewer per lineal foot, and one-half thereof to be chargeable against the property fronting or abutting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer is subdivided, and the subdivisions thereof are owned by different persons, no subdivisions of such lots not fronting or abutting on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Apportionment of tax between parts of lot subdivided after improvement made.

SECTION 153. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of the benefit accruing to it by a system of sewerage shall have been made and before such system shall have been fully carried out and extended to such lots assessed, and the assessment on such work paid, any party interested may give notice to the board of such subdivision, and in such case or when the said board shall in any other way become cognizant of the fact of such subdivision they may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; if by neglect of the owners of the lots so divided, no such apportionment shall be made, then the entire lots shall be liable for the entire tax.

Costs of sewers in streets and alleys.

Crossings and sewers costing more than two dollars per foot, how paid.

SECTION 154. The cost of all sewers in streets and alley crossings and all sums in excess of two dollars per lineal foot, chargeable to lots and lands as provided by the provisions of this act, of all catch-basins for receiving the water from the gutters and of overflow pipes connecting them with the sewer, of all temporary catch-basins and of the repairing and cleaning of sewers, and of all expenditures for temporary work necessary to carry on the system of sewerage herein provided, and all cost for constructing sewers not provided for by special assessment shall be paid out of the funds of the proper sewerage district; and all cleaning and repairing of sewers and catch-basins, and all temporary work necessary to be done as above stated, shall be done by the authority of the board of sewerage commissioners as may be necessary.

Reports of board to be made to council annually; what to contain.

SECTION 155. The board of sewerage commissioners shall report to the common council on or before the first day of November of each year as accurately as may be, the amount of money required for sewerage purposes for that year in each district in addition to the special assessments made; the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of two and one-half mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district; which tax, so levied, shall, when collected, be placed in the funds of the sewerage district in which the same has been collected; and the city treasurer is hereby directed and required to keep a separate and distinct account of each sewerage district.

Sewerage improvement certificates to be issued to contractor for work.

SECTION 156. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment certificates against the lots, parts of lots or parcels of land as heretofore directed to be assessed, so far as the same will go, in liquidation of the amount of such contract and shall be entitled to receive city orders for the balance due, payable only out of the fund of the proper district, and it shall be the duty of the board of sewerage commissioners after the completion of any contract, and acceptance of the work, to issue such certificates on the request of

the person entitled to receive them; and where any sum is found to be due a contractor over and above the amount of the certificates so to be issued and received in part payment, to certify the same to the common council, which may direct an order to be drawn on the proper fund for the payment of the same. All certificates of special assessments for building sewers, shall be signed by the mayor and clerk of said city.

Contracts, form of and how executed.

SECTION 157. All contracts entered into by the board of sewerage commissioners, under this chapter, shall be with sureties approved as to form and execution by the city attorney, and before taking effect shall be signed by the mayor and clerk.

Board to superintend work and may make estimates of amount of work done and authorize payment on contract.

SECTION 158. In all cases the work shall be subject to the superintendence and direction of the board of sewerage commissioners; and no contractor shall be entitled to recover compensation for any work executed by him in any form of action, unless such work shall have been approved by the said board; provided, that the said board may from time to time, as the work progresses, at their discretion, grant to any contractor for a sewer an estimate of the amount proportionate value of the work already done, withholding in all cases twenty-five *per centum* of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty-five *per centum* from the proper fund.

Council may order sewer and gas connections made by owner of property, when.

SECTION 159. Whenever the common council shall order the paving or repairing of any street in the city in which water, gas mains and sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution, require the board of sewerage commissioners to cause water and gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street from the main sewer, water and gas mains in such street to the curb line on either side of the street at intervals not less than twenty feet along the whole length of such paved street, except at street and alley crossings; and the board of sewerage commissioners shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official papers, requiring them to do

such work opposite their respective lots according to the plan and specification to be before prepared and on file in the office of said board, showing the location and size, and the kind and quality of material of such lateral sewers or drains, and water and gas service pipes, and if such owners or occupants shall refuse or neglect to do the same, before the paving or repairing of said street so ordered, and within ten days after the publication of such notice, the said board may procure the same to be done, and charge and assess the expense thereof to the lots or parts of lots fronting upon such work, in the manner provided in and by the provisions of this act; and the same shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or re-paved by order of the common council, unless the water and gas mains and service pipes and necessary sewers and their connections shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or re-paved.

Board to see that proper drains and sewers are constructed.

SECTION 160. It shall be the duty of said board to see that proper drains and sewers are constructed form every lot in said city, which in their judgment requires it; and that such private drains or sewers are made to communicate with public sewers in a proper manner; and they shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

Board to prescribe form and material of which sewers to be constructed.

SECTION 161. The said board shall describe the location, arrangement, form, material and construction of every drain and sewer for every lot in the city emptying into the public sewer, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendance of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lots for the benefit of which such private sewer shall be constructed.

SECTION 162. The said board shall have at thei office, ready for the examination of the partie

interested, the specifications of any private drains or sewers so ordered to be constructed, and they shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which the work shall be completed; and in case any lot owner neglects to do the work required of him to be done within the time specified in said notice, they shall advertise for proposals and let the same by contract; and at the completion of the contract shall give to the contractor a certificate or certificates, against such lot or lots, which shall be proceeded with, and shall have the like effect as other certificates given for work chargeable to lots.

Specifications of private drains or sewers to be on file in office of board; notice to owner to construct same.

SECTION 163. Any person who has taken such contract from said board to conduct a private drain or sewer from any lot shall be authorized to enter upon such lot and construct thereon such drain or sewer and shall have free ingress and egress upon the same with men for that purpose and to deposit all necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Contractor to be authorized to enter upon lands to perform work.

SECTION 164. No private drain shall be connected with any public sewer without the said board first issuing their permit for such connection; and there shall be paid for such permit into the general fund of the sewerage district, by the owner of any lot from which a private drain is let into a public sewer, an amount to be fixed by said board proportioned to the size of such private drain but not less than two and one-half and not more than five dollars for any drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot, and collected as other special assessments, and shall be collected as other taxes upon real estate are collected; provided, that no charge shall be made for the permit herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises to be connected.

Permit to owners to make sewer connections; fee.

SECTION 165. No person is required to make connections until building, and no person shall break open or make connection with any public sewer, except by the consent and under the direction of the board of sewerage commissioners, and

Sewer connection need not be made until building; penalty for damaging sewers.

any person who shall do so, or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purpose of sewerage shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars ($1,000.00) or imprisoned in the county jail not to exceed three months.

Contractor may lay sewers through streets, alleys and highways, when.

SECTION 166. Any contractor or other person acting under the direction of the board of sewerage commissioners may lay sewers in and through any alleys and streets of said city, and also in any highways of the county, whether within the limits of said city or not; provided that it shall be the duty of such contractors to repair such streets, alleys and highways and to restore the same to the former condition upon the completion of such sewers.

After nine months plan of sewerage conclusive proof of regularity of proceedings establishing same.

SECTION 167. Either of the duplicate diagrams filed as a final determination for a plan of sewerage for any district, after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage shown on such diagram, and the regularity and legality of the proceedings to establish such plans of sewerage shall not thereafter be called in question in any court.

Plan once adopted not to be changed except by three-fourths vote.

SECTION 168. When a plan of sewerage has been finally determined upon it shall not be changed except by a vote of three-fourths of all the members of the common council, in favor of the same. Such change shall be by ordinance, passed at a regular meeting after the same shall have been published, at least once in each week for two successive weeks in the official paper of the city.

Diagrams of plans changed, to be filed.

SECTION 169. When such change shall have been determined upon duplicate diagrams shall be prepared, certified and filed as before, showing the plans of sewerage as changed, and after nine months from the date of such filing, the said duplicate shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; any change rendering useless any existing sewer and the expense of change shall be paid by the general fund.

SECTION 170. Whenever a contract shall have been let for the construction of any sewer, and the amount has been determined that is chargeable to the lots or parcels of land abutting on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of the sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks, substantially in the following form:

When plan adopted and contract let notice of issue of improvement bonds to be published; form.

IMPROVEMENT BONDS FOR SEWER ASSESSMENT.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required to file their notice to that effect with the said clerk before the expiration of thirty days from the date of this notice; that the city will issue its *per centum* simi-annual interest coupon bonds for an amount sufficient to cover the special assessment which the parties owning the property do not elect to pay on the presentation of the certificates in the manner stated; that said bonds will be charged upon the particular lots only against which said special assessments are claimed.

Dated, the ..... day of ....., 18..

.....

City Clerk of the City of Kaukauna.

SECTION 171. The city council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from the date of their issue and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six *per centum per annum*, and shall specify on their face that they are sewer bonds

Issuance of bonds. Conditions of same.

and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk, and be sealed with the official seal of the city.

Disposition of bonds.

SECTION 172. Said bonds may be sold by the common council at not less than their par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value, with accrued interest.

Principal and interest to be paid as same falls due.

SECTION 173. The city shall pay the principal and interest on said bonds as they fall due and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the following manner:

Levy of tax on lands to pay bonds.

SECTION 174. The city clerk shall in each year for five years succeeding the issue of said bonds enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds, one-fifth of the special assessment as to each said parcel of land with six *per centum* interest on the whole amount of said special assessment on such parcel of land then unpaid. Said tax shall be treated in all respects as any other city tax and when collected shall be credited to the sewerage fund of said city.

Action to avoid tax not maintainable after issue of bonds.

SECTION 175. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section.

MISCELLANEOUS.

Members of council ineligible to any other office except mayor.

SECTION 176. No member of the common council shall during the term for which he is elected, be eligible to any other municipal office, except the office of mayor, existing at the time of his election, or created by the common council.

Inhabitancy of city not to disqualify judge, justice, juror or witness.

SECTION 177. No person shall be incompetent to act as judge, justice of the peace, witness or juror by reason of his being an inhabitant of the city, in any action or proceeding in which the city shall be a party in interest.

General laws of state to be in force as to said city except as herein provided.

SECTION 178. The general laws of the state for the government of cities, villages and towns, the assessment of taxes, the preservation of public

and private property, highways, roads and bridges, and punishment of offenders, and the manner of conducting elections, shall be in force except as otherwise herein provided.

SECTION 179. The general laws of the state of Wisconsin for the punishment of bribery, misdemeanors and corruption in office shall be in force and shall apply to all officers elected or appointed under the provisions of this act.

General laws as to bribery and corruption in office shall apply.

SECTION 180. No city official shall be interested directly or indirectly, in any contract to which the city is a party, and whenever it shall appear that such is the case, such contract shall be absolutely void and the city incur no liability thereon whatever. No city officer shall be accepted as surety on any bond, contract or obligation made to the city.

City official not to be interested in city contracts, nor surety on bonds, to city.

SECTION 181. No real or personal property of any inhabitant of the city of Kaukauna, shall be levied upon or sold by virtue of an attachment or execution issued to satisfy any contract, debt or obligation of said city, or for any judgment against said city; nor shall any person or corporation be held liable as garnishee of said city.

Property of inhabitants not to be levied upon for city debts.

SECTION 182. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, as far as the same are applicable, shall be as legal and of the same force and effect as the use of forms prescribed by this act.

Forms.

SECTION 183. In case any person shall present his claim or a demand against the city and the common council shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim.

Claims disallowed once not to be again considered or allowed.

SECTION 184. The city marshal shall be known as such and he shall have command of the police force of the city under the direction of the mayor.

City marshal.

SECTION 185. The city clerk shall keep a book to be known as an "Ordinance Book" in which he shall enter at length, in a plain and distinct handwriting, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage, and page of the journal containing the final vote upon its passage, and the name of the newspaper in which said ordinance was published, and the date of such publication, together with

Ordinance book to be kept by city clerk. What to contain.

the proof of publication; the ordinance may be proved by the certificate of the clerk, under seal of the city, and when printed or published in pamphlet form, and purporting to be published by the authority of the city, shall be read and received in all courts and places as evidence of their adoption.

Duties of officers not herein prescribed.

SECTION 186. In case of the failure to prescribe the duty of any officer elected or adopted under the provisions of this act, the provisions of the revised statutes and acts amendatory thereof as far as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

Rewards for apprehension of criminals.

SECTION 187. When any heinous offense or crime has been commited against life or property within the city, the mayor with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense.

No property exempt from special assessments except state and U. S. property.

SECTION 188. No lot or parcel of land in the city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks or sewers, upon which such lot or parcels of land may border, excepting only property belonging to the United States or the state of Wisconsin.

Credit never to be loaned.

SECTION 189. The credit of the city shall never be given nor loaned in aid of any individual, association or corporation.

Licenses, how issued.

SECTION 190. Every license issued by the authority of this act or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been directed by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall first be approved by the mayor and city clerk, and should the dealer discontinue the business before the expiration of the license, no allowance or rebate shall be allowed by the common council.

SECTION 191. Chapter 63 of the revised statutes of the year 1878, and the laws amendatory thereto, in relation to the support of the poor, shall apply to and be in force in the city of Kaukauna.

Chapter 63, revised statutes 1878, shall be in force in city.

SECTION 192. The use of the jail of Outagamie county until otherwise provided, shall be granted to the city of Kaukauna, for the confinement of offenders.

City may use county jail.

SECTION 193. The city of Kaukauna shall constitute two road districts within the territory. District number one comprises all the territory within the boundary line and north of the main channel of the Fox river; and district number two comprises all the territory within the boundary line of said city, and south of the main channel of Fox river; provided, however, that the common council of said city may by an ordinance duly introduced, passed and published as other ordinances are required to be, consolidate or change the boundaries of said districts.

Road districts.

SECTION 194. The city of Kaukauna, or that part south of the south channel of Fox river, shall own and succeed to all the money and property, and all the rights of the property contract or active and to all the duties, liabilities and obligations of the village of Ledyard; and all rights, actions, prosecutions, demands and claims in favor of or against said village, shall continue and be of the same force in favor of or against said village as if no change had been made.

City shall succeed to property, etc., of village of Ledyard.

SECTION 195. The plats of the villages of Ledyard, Kaukauna and the additions thereto, heretofore executed and recorded, are hereby adopted as plats of the city of Kaukauna, and the additions thereto, and the real estate included in said plats, and the real estate not yet platted within the outside boundary line, may be hereafter described by lots and blocks, and by describing the plats as the original plat of the village of Kaukauna and village of Ledyard, now city of Kaukauna, and in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

Plats of villages of Ledyard, Kaukauna, etc., heretofore adopted are adopted as plats of city of Kaukauna.

SECTION 196. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason

Elections not held at times herein prescribed, may be held at such other time as council may fix upon.

for arresting, suspending or abolishing said corporation; but such election or organization may be held at any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said act may be done and performed.

General law conflicting herewith not to repeal this act unless so stated.

SECTION 197. No general law contravening the provisions of this act shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Form of deeds or leases of city property.

SECTION 198. When the city deeds or leases any real estate or any interest therein owned by the city, the party of the first part shall be "The city of Kaukauna," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor authorized to execute deeds and leases.

SECTION 199. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city; provided, that such sale, lease, quit claim or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and the interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as prescribed by law.

Ordinance or resolution authorizing deed or lease to be attached thereto.

SECTION 200. When any such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Outagamie county, with said instrument; and such copy so attached and recorded shall be *prima facie* evidence in all courts and places of the authority of such mayor to make and execute such deed or other conveyance.

Repeals certain acts.

SECTION 201 Chapter 37 of the laws of Wisconsin, for the year 1885, as amended by chapter 458 of the laws of Wisconsin for the year 1887, and chapter 46, of the laws of Wisconsin for

the year 1889, so far as it conflicts with the provisions of this act are hereby repealed.

SECTION 202. This act shall take effect and be in force from and after the first day of April, succeeding its passage and publication. To be in force after April 1, 1892.

Approved April 3, 1891.

No. 142 A.] [Published April 9, 1891.

CHAPTER 141.

AN ACT to amend section 3, of chapter 12, of chapter 184, laws of 1874, entitled, "An act to revise and consolidate the charter of the city of Milwaukee and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3, of chapter 12, of chapter 184, of the laws of 1874, is amended by section 5, of chapter 528, of the laws of 1889, and it is hereby further amended so as to read as follows: Amends chapter 184, laws of 1874, as amended.

Section 3. The school board of the city of Milwaukee is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public or common schools in addition to those already established in said city as may be necessary for the accommodation of the children of the city, entitled by the constitution and laws of the state to instruction therein, and the common council shall erect, purchase, hire or lease buildings and furniture and lots for the accommodation of such schools, and of the high schools of said city; and shall improve and enlarge such school buildings. The school board shall have power to establish and define, from time to time, the boundaries of all common school districts in the city in such a manner as they may deem best calculated to promote the interest of the schools. No janitor having charge of any steam boiler in any

School board authorized to organize and establish additional public schools; janitor having charge of steam boiler to pass examination.

school building shall hereafter be employed or retained in the employ of the school board of the city of Milwaukee, unless he has a certificate signed by the board of public works of said city, signifying that he has passed a sufficient examination therefor.

Repealing clause.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 497, A.] [Published April 8, 1891.

CHAPTER 144.

AN ACT to amend chapter 84, laws of 1883, entitled, "An act to revise, codify and amend chapter 102, laws of 1882," entitled, "An act to incorporate the city of Menomonie."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 84, laws of 1883.

General powers of council; public pounds; water works; hacks, drays, etc.; lighting of streets., etc.

SECTION 1. Subdivision 11, of section 44, of chapter 84, laws of 1883, is hereby amended by adding to said subdivision the following: "To divide the city into light districts and levy a tax upon the taxable property of each district, sufficient to pay the expense of lights in said district; provided, however, that no property outside of the established limit of any light district, shall be taxed to pay for the lights located in said light district," so that said subdivision when so amended shall read as follows: 11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants of the city; to regulate and to license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps and to provide for lighting the streets, public grounds and public

highways, with gas or or otherwise; to divide the city into light districts and levy a tax upon the taxable property of each district, sufficient to pay the expense of lights in said district; provided, however, that no property outside of the established limit of any light district, shall be taxed to pay for the lights located in said light district.

SECTION 2. Section 123, of chapter 84, of the laws of 1883, is hereby amended so as to read as follows: Section 123. The common council of the city of Menomonie and the supervisors of the town of Menomonie are hereby authorized and empowered to meet and make an order attaching to the city of Menomonie, for school purposes, such portions of sections fifteen, twenty-eight and thirty-four of township number twenty-eight north, of range number thirteen west, as may be agreed upon by a majority of said common council and a majority of said town board. The territory so attached to said city shall be regulated and controlled for school purposes in accordance with the laws relating to joint school districts.

Amends chapter 84, laws of 1883.

Certain territory may be attached to city for school purposes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 151, A.] [Published April 9, 1891.

CHAPTER 145.

AN ACT to amend the charter of the city of Ahnapee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4 of subchapter 3 of chapter 545, laws of 1887, relating to and amendatory of the charter of the city of Ahnapee, is hereby amended so as to read as follows: Whenever a vacancy shall occur in any office herein provided for, or provided for by the ordinances of said

Amends chapter 545, laws of 1887.

Vacancies, how filled.

for arresting, suspending or abolishing said corporation; but such election or organization may be held at any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said act may be done and performed.

General law conflicting herewith not to repeal this act unless so stated.

SECTION 197. No general law contravening the provisions of this act shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Form of deeds or leases of city property.

SECTION 198. When the city deeds or leases any real estate or any interest therein owned by the city, the party of the first part shall be "The city of Kaukauna," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor authorized to execute deeds and leases.

SECTION 199. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city; provided, that such sale, lease, quit claim or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and the interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as prescribed by law.

Ordinance or resolution authorizing deed or lease to be attached thereto.

SECTION 200. When any such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Outagamie county, with said instrument; and such copy so attached and recorded shall be *prima facie* evidence in all courts and places of the authority of such mayor to make and execute such deed or other conveyance.

Repeals certain acts.

SECTION 201 Chapter 37 of the laws of Wisconsin, for the year 1885, as amended by chapter 458 of the laws of Wisconsin for the year 1887, and chapter 46, of the laws of Wisconsin for

they shall be recorded by the said clerk in books to be provided for that purpose; but before any ordinance, regulation or by-law shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and the record of such ordinance, regulation, and by-law, and the proof of such record certified by the clerk under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and common council, shall be conclusive evidence of the due passage and publication of such ordinance, regulation or by-law, in all courts and places.

Amends chapter 107, laws of 1880.

SECTION 3. Section 10, of chapter 6, of said chapter 107 is hereby amended so as to read as follows: Section 10. Said appeal shall stand for trial by jury, unless waived in the manner provided by law, in said circuit court, at the next term thereof, after the date of the judgment rendered by the justice of the peace.

Appeals.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 466, A.] [Published April 9, 1891.]

CHAPTER 147.

AN ACT to amend the charter of the city of Prescott.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 148, laws of 1887.

SECTION 1. Section 11, of chapter 3, of chapter 148, of the private and local laws of 1887, is here-

Board of canvassers, how constituted; vacancies; elections, etc.

by amended so as to read as follows: Section 11. The mayor, and clerk, and senior aldermen of said city shall be the board of canvassers, and they, or a majority of them, shall meet at the council rooms on the Monday following each municipal or special election, and canvass the returns, and the clerk shall immediately notify by certificate, the persons elected to the various offices. In the event of a vacancy by death, resignation, removal or other disability of any justice of the peace, the council shall order a special election and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the council, and the person elected or appointed to fill a vacancy shall hold his office for the residue of the unexpired term, except as hereinbefore provided as to the appointive officers. All elections by the people shall be by ballot and a plurality of votes shall constitute an election. All elections by the council shall be *viva voce*. When two or more candidates shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 741, A.] [Published April 7, 1891.

CHAPTER 151.

AN ACT to amend chapter 3, of chapter 159, of the laws of Wisconsin for the year 1885, entitled, "An act to revise, codify and amend chapter 278, laws of 1874, entitled, 'An act to incorporate the city of Shawano,'" and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 8, of chapter 3, of chapter 159, of the laws of 1885, is hereby amended, so that said section, when amended, shall read as follows: Section 8. The elective officers of said city shall be a mayor, a city clerk, a city treasurer, a city assessor, and a police justice to be elected for the city at large, by the qualified electors of said city. The elective officers of each ward of said city shall be two aldermen, a justice of the peace, a supervisor and a constable, to be elected by the qualified electors of each ward of said city.

Amends chapter 159, laws of 1885.

Elective city officers.

SECTION 2. Section 16 of chapter 3, of chapter 159, of the laws of 1885, is hereby amended so as to read as follows: Section 16. At the first meeting of the common council in each year, after the annual city election, or as soon thereafter as may be practicable, the mayor may appoint a city marshal, a city attorney, a city physician, a chief engineer and one assistant engineer of the fire department, and a city superintendent of streets, and such other officers as the ordinance may prescribe, subject to the approval of a majority of the common council.

Amends chapter 159, laws of 1885.

Appointive officers.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 740, A.] [Published April 7, 1891.

CHAPTER 158.

AN ACT to amend chapter 175 of the laws of 1887, entitled, "An act to amend chapter 159, laws of 1885," entitled, "An act to revise, codify, and amend chapter 278, laws of 1874," entitled, "An act to incorporate the city of Shawano," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 175, laws of 1887.

Levy of annual tax.

SECTION 1. Section 1, of chapter 175, of the laws of 1887, is hereby amended, so that when amended the same shall read as follows: Section 1. Section 10, of chapter 6, of chapter 159, of the laws of 1885, is hereby amended, so that, when amended, the same shall read as follows: Annually upon the receipt of notice from the county clerk of Shawano county of the amount of taxes apportioned to said city by the county board of supervisors, the common council as soon as practicable thereafter, shall, by resolution, levy the amount of taxes apportioned to said city by the county board, and in addition levy such tax or taxes authorized by law, not exceeding six mills per dollar, on the assessed valuation for city purposes and all special taxes as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying in the resolution the purposes for which the same are levied.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1891.

No. 415, A.] [Published April 10, 1891.

CHAPTER 160.

AN ACT relating to the city of Marshfield, Wisconsin, and codifying and consolidating the act of incorporation, and all acts amendatory thereof, and repealing all other acts relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Corporation created.

SECTION 1. All that district of country in the county of Wood hereinafter described shall be a city by the name of Marshfield, and the people now inhabiting and those who shall hereafter inhabit said district shall be a municipal corporation by the name of the city of Marshfield, and shall have the general powers possessed by municipal corporations at common law; and in addition thereto shall possess the powers hereinafter especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may alter and change the same at pleasure.

Boundaries of city.

SECTION 2. The territory included within the following limits and boundaries shall constitute the city of Marshfield, to-wit: The west one-half of township numbered twenty-five north, of range number three east, of the fourth principal meridian.

Wards and their boundaries.

SECTION 3. The said city shall be divided into six wards, as follows: First ward shall com-

First ward. prise all that portion of territory lying north of A street and its continuation and west of Central avenue and its continuation. Second ward shall contain all that portion of territory west of Central avenue between A street on the north and its continuation, and Third street on the south and its continuation. Third ward shall include and contain all that portion of territory west of Central avenue and its continuation, being on the line between sections seventeen and eighteen, nineteen and twenty, twenty-nine and thirty, thirty one and thirty-two, and south of Third street and its continuation. Fourth ward shall contain and include all that portion of the territory east of Central avenue and its continuation and south of Fourth street and its continuation not contained in the Third ward. Fifth ward shall contain all that portion of territory east of Central avenue between Fourth street and its continuation and the Wisconsin Central railroad. Sixth ward shall contain and include all the remaining territory of said city east of Central avenue and its continuation and north of the Wisconsin Central railroad.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

CHAPTER II.

ELECTIONS.

Annual municipal elections; when held.

SECTION 1. The annual election for city and ward officers shall be held on the first Tuesday in April of each year at such place in each ward as the common council shall designate, but the annual election for city and ward officers in the year 1891, shall be held on the third Tuesday of April, 1891, and the polls shall be kept open from nine o'clock in the forenoon until sundown; ten days' previous notice shall be given by the city clerk by publication of the time and place of holding such election, which notice shall state the officers to be elected. Provided, however, that the failure to give such notice shall in no way invalidate that election.

ELECTIVE OFFICERS.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, a city clerk, a municipal judge, an assessor, three justices of the peace, and two constables from the city at large. Two aldermen and one supervisor shall be elected from each ward. The mayor, treasurer, assessor, aldermen and supervisors shall be qualified voters and freeholders in said city, and the ward officers shall be qualified voters and freeholders in the ward for which they were elected.

Elective officers and their qualifications.

APPOINTIVE OFFICERS.

The appointive officers of said city shall consist of a city attorney, marshal, street commissioner, chief of the fire department, city physician, surveyor, and all other officers necessary for the proper management of the affairs of said city to be appointed by the common council. All elective officers except justices of the peace shall, unless otherwise provided by law, hold their respective offices for one year, and until their successors are elected and qualified; and justices of the peace, municipal judge and aldermen shall each hold office for two years, and until their successors are chosen and qualified; provided, however, the common council shall have power for due cause, and after opportunity for fair hearing, to expel any of its own number and to remove from office any officer or agent under the city government except justices of the peace, written notice being first given to the officer complained of to appear before the common council and answer to the complaint made.

Appointive officers and their terms of office.

VACANCIES — HOW FILLED.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, treasurer or alderman, such vacancy shall be filled by a new election which shall be ordered and held within ten days after official notice of such vacancy shall be received by the city clerk or mayor. Any vacancy happening in any other office shall be filled by the common council. The person elected or appoint-

Vacancies; how filled.

ed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections; how conducted; ties.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as it shall direct. All votes for elective officers shall be upon one ballot, except in the case of judicial elections, when a separate ballot shall be provided for the candidates running for such office.

Qualifications of electors.

SECTION 5. All persons entitled to vote for county officers who shall reside in the ward shall be entitled to vote for any officer entitled to be elected under this law, and to hold any office herein created, except as otherwise provided herein.

Conducting of elections; appointment of inspectors and clerks of elections.

SECTION 6. All elections under this act shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors or clerks thereof filled, as prescribed by the general laws of this state relating to elections. There shall be three inspectors and two clerks in each ward, who shall be appointed by the common council of said city at least three days before the holding of said election, together with such other officers of election as may be prescribed by the general laws of this state, said inspectors and clerks to be selected from opposite political parties — equal numbers, as near as may be.

Canvass and return of votes.

SECTION 7. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors and clerks shall make a return thereof duly signed, stating therein the number of votes for each person and the office designated, and the whole number of votes cast; and shall deliver or cause to be delivered such returns, together with the poll lists kept by the clerks and the oaths of office to the city clerk within twenty-four hours after any election. In case of any neglect or failure of any inspector or clerk to

comply with the provisions of this section such inspector or clerk shall be liable to said city in the penal sum of twenty-five dollars and the cost of suit to be recovered before any justice of the peace of said county in an action of debt. Within one week after each and every election under and by virtue of this act the common council, or in the absence of a quorum, the city clerk and two justices of the peace of Wood county, shall meet, canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected, of his election.

Challenging of votes; penalty for illegal voting, etc.

SECTION 8. If either of the inspectors shall suggest that any person offering a vote does not possess the necessary qualifications of an elector, or if such vote shall be challenged by an elector, the inspector, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear, or affirm, as the case may be, that you are twenty-one years of age and that you are a citizen of the United States, or have declared your intention of becoming a citizen comformable with the laws of the United States on the subject of naturalization, that you have resided within the state of Wisconsin one year and in this ward at least ten days preceding this election; that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering the vote shall take such oath falsely he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment shall suffer the punishment provided by law for the persons guilty of perjury. If any person who is not a qualified voter shall vote at any election or if any person duly qualified shall vote in any other ward than the one in which he resides or shall vote more than once at any one election he shall forfeit and pay a sum not exceeding two hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspector to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive

the vote of any person not authorized to vote or shall make out false returns of any election, or if any clerk shall not write down the names of every voter as he votes, or shall willfully make untrue and incorrect count and tally of votes, each and every inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars.

Election returns.

SECTION 9. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained the said inspector shall make a return thereof, stating therein the number of votes for each person and for each and every office, and shall deliver or cause to be delivered such returns to the city clerk within twenty-four hours after any such election.

Special elections; how held and conducted.

SECTION 10. Special elections to fill vacancies or for any purpose shall be held and conducted by the aldermen of such wards and in the same manner and the terms thereof shall be made in the same form and manner as general or annual elections and within such time as may be prescribed by ordinance.

Vacancies; when occurring and how filled.

SECTION 11. When an officer elected or appointed shall remove from the city, or when any officer elected or appointed in any ward of the city shall remove from such ward, or when any such officer shall refuse or neglect for ten days after official notification of his election or appointment to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office, the common council shall proceed to fill such vacancies as herein provided.

Commencement and duration of terms of office.

SECTION 12. The term of officers elected or appointed under the provisions of this act shall commence on the Monday preceding the third Tuesday of April except for the year 1891, when the term of officers shall commence on the third Wednesday of April, succeeding their election or appointment and shall hold their offices for one or two years respectively as herein provided, and until their respective successors are elected or appointed and qualified except as otherwise herein provided.

SECTION 13. The first election under this act shall be held on Tuesday, April 21st, 1891, at such place in each ward as the mayor and common council by resolution may designate. First municipal election.

SECTION 14. There shall be elected at the first election under this act in addition to the officers at large for said city, ward officers as follows: For the First ward, an alderman for the term of two years, and a supervisor for one year; for the Second ward, two aldermen; one for two years and one for one year, and a supervisor for one year; for the Third ward, an alderman for two years and a supervisor for one year; for the Fourth ward, an alderman for two years and a supervisor for one year; for the Fifth ward, two aldermen, one for two years and one for one year, and a supervisor for one year; for the Sixth ward, an alderman for two years, and a supervisor for one year. The aldermen of each ward who are now in office shall continue until the expiration of the term for which they were respectively elected, notwithstanding any change in ward boundaries in this act. And thereafter one alderman and one supervisor shall be elected annually from each ward, who shall hold his office until his successor shall have been elected and qualified. The supervisors elected under this act shall hold their offices for one year, and until their successors be elected and qualified, and shall be entitled to seats as members of the county board of supervisors of Wood county Ward officers to be elected at first election under this act.

CHAPTER III.

OFFICERS — THEIR POWER AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall before he enters upon his duties take and subscribe an oath of office and file the same with the clerk of the city; and the treasurer, clerk, marshal, street commissioner, and such other officers as the common council may direct shall severally before they enter upon their respective duties execute to the city of Marshfield a bond with at least two sureties, who shall be freeholders; and shall justify Officers; h to qualify.

that they are worth in the aggregate double the amount specified in said bond over and above all debt, liabilities and exemption; said bond to be subject to approval by the mayor or common council, and said bond shall contain such penal sum and such lawful conditions as the common council may deem proper; and the common council may from time to time require new or additional bonds, or remove from office any officer neglecting or refusing to present the same.

The mayor; his powers and duties.

SECTION 2. The mayor shall be the chief executive officer, the head of the fire department and the chief of police of the city; he shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all the officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the common council, he shall sign all agreements, contracts, licenses and permits granted by the common council, and approve or otherwise act upon all claims allowed by such council. He may in case of a riot or other disturbance appoint as many special policemen as may be necessary. He shall have and possess the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liability, he shall communicate his objection in writing to the common council within five days, Sundays and legal holidays excepted, after such ordinance, rule, regulation, claim or resolution is submitted to him for his approval. In case of no session of the common council on any day after the passage of the same, and before the expiration of said five days, such notification shall be made by filing with the city clerk a copy of his objection; and if the common council shall not at its next regular meeting thereafter re-enact such ordinance, or adopt such resolution by the votes of three-fourths of all the aldermen-elect, the same shall be null and void. He shall at the first meeting of the council, or as soon thereafter as may be, appoint the following standing committee: A finance committee, to consist of three members of the council; a committee to be known as the

board of public works, to consist of five members of the council. Also a health committee, a city physician or health officer, a fire warden from each ward, and such other committees as may be necessary for the carrying into effect the provisions of this charter and the ordinances and by-laws of said city.

President of the council.

SECTION 3. The common council at its first meeting after organization in each year shall choose from its number a president, and in the absence of the mayor the said president shall preside at all the meetings of such common council, and during the absence or inability of the mayor to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. The president while presiding at meetings of the common council or performing the duties of the mayor shall be styled "Acting Mayor," and any act performed by him in such capacity shall have the same force and effect as if performed by the mayor; but the president of the common council as acting mayor shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the common council. In case of a vacancy in the office of mayor the powers and duties of the office shall devolve upon the president of the common council until said vacancy is filled as herein provided.

The city clerk his powers an duties.

SECTION 4. The city clerk shall hold his office for a term of one year. He shall have the care and custody of the corporate seal, and all papers and records of the city. It shall be his duty to attend all meetings of the common council and to keep a full record of their proceedings, to record all ordinances and bonds in a book to be kept for that purpose, to keep a record of all licenses granted, which record shall at all reasonable times be open to inspection by the public; to carefully preserve all receipts filed with him, except as otherwise herein provided; and to draw and countersign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that pur-

pose. He shall have and possess all the powers and authority and perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer and charge him with all taxes presented to him for collection, and all sums of money paid into the treasury. He shall make and cause to be published in the official paper of the city during the last week of March in each and every year, a financial statement of the city, showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places in like manner, and with the same force and effect as if the originals were produced. He shall file in his office and safely keep all chattel mortgages, bills of sale, and other instruments necessary and proper to be filed therein presented for that purpose, on payment of fifteen cents therefor; and all bills of sale, chattel mortgages, and such other instruments so filed shall be as valid and legal as if filed in the town clerk's office in any town. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of the state. He shall annually report to the common council at its first meeting in November in each year a statement of all bonds and coupons outstanding, to whom issued, where payable, and the amount of interest they may bear. He shall also furnish the council at the same time, or as often as it may require it, a statement showing the financial condition of the city, together with the running expenses thereof, and also furnish an estimate of the expenses, and the amount of revenue necessary to be raised for the current year. He shall keep his office open for the transaction of business during business hours on every day except Sundays and holidays. Copies of all estimates made by the city surveyor for work to be done by the city shall be filed in the clerk's office and a brief record or memorandum of the same made in

a book to be kept by him for that purpose, in which shall be noted the time when, the person to whom, and the amount for which, any contract is let under and subject to such estimate. The city clerk shall advertise and let all contracts for work to be done or services to be performed for the city in pursuance of an order of the common council, subject to the approval of the common council, except as otherwise herein provided, and in behalf of said city shall sign such contracts, the originals or attested copies thereof to be by him filed in his office. He shall keep a record in his office of all articles of personal property belonging to the city, and shall effect in behalf of the city all such insurance upon the buildings or other personal property belonging to the city as the common council may direct. He shall examine the books, reports, papers, vouchers, and accounts of the treasurer and from time to time perform such other duties as the common council may direct. He shall not be directly or indirectly interested in any contract or job in which the city shall be a party. All claims and demands against the city before they are allowed by the common council shall be audited and adjusted by the city clerk; and the common council may modify, correct or disallow the same; he shall also be clerk of the board of health, and shall keep a record of its proceedings, and perform such other duties as said board may prescribe. He shall record in books to be prepared for that purpose all papers and proceedings had relative to the opening and laying out, altering or vacating of streets, lanes, alleys, public squares and parks, or changing the names thereof, and all such records shall be evidence in all courts and places the same as original papers and proceedings. He shall also be clerk of the board of review, and shall not vote except in case of a tie. The city clerk shall appoint a deputy in writing under his hand, and shall file such appointment in his office; and such deputy clerk shall aid in the performance of the duties of such clerk under his direction, and in case of his absence or disability, or in case of vacancy in his office shall perform all the duties of such clerk, during such absence or until such vacancy shall be filled, and such clerk and his sureties shall

be liable upon his official bond for the acts of his deputy.

The city attorney; his duties.

SECTION 5. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested; he shall when requested furnish written opinions upon subjects submitted to him in writing by the mayor or common council, or any of its committees, or any other department of the municipal government. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, which shall at all reasonable hours be open to inspection by any of the officers or electors of the city. It shall be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the officers of the city, to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and collection of taxes and assessments and to perform such other duties as may be prescribed by the charter and ordinances of the city. He shall have authority to appoint an assistant, who shall have power to do all the acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant, and that the city shall not be liable for nor have any authority to pay compensation to such assistant.

The city treasurer; his powers and duties.

SECTION 6. The city treasurer shall collect all city, county and state taxes, and shall receive all moneys belonging to the city, keep an accurate account of the same in suitable book prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received and disbursed by him in such manner as the common council may direct. His books shall be at all reasonable times open to inspection by any voter of the city. He shall make a report to the common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office, and ten days preceding each annual election he shall make up and file in the city clerk's office a full and minute report of all the moneys

received and disbursed by him; of all tax certificates, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office necessary to show the actual financial condition of the city, which report shall embrace all the transactions of his office from the date of the like report of his predecessor, to the date of the report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. All moneys raised, received, recovered or collected by means of any tax, license, fine, penalty, forfeiture, or otherwise, by virtue of this act, or which belong to the said city shall be paid into the city treasury, and shall not be drawn therefrom except by an order on that specific fund signed by the mayor and countersigned by the clerk, by order of the common council. The said treasurer shall also be a collector of taxes, and for his services receive no compensation, except as herein otherwise provided, and he shall have the same powers, and be subject to the same liabilities, and be governed by the same laws as treasurers of towns, except as otherwise provided for in this act.

The city marshal; his powers and duties.

SECTION 7. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and for the collection of fines and license money; he shall possess all the powers of constables of towns, be subject to the same liabilities, and be entitled to the same fees. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets, alleys and highways in said city; to abate all nuisances, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of the state, and within reasonable time bring such person before competent authority for examination or trial; and in person or by deputy he shall be on duty every day within the city, and as he shall from time to time be directed by the mayor.

The city surveyor; his powers and duties.

SECTION 8. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place in the city; he shall preserve and have open to the inspection of any person, all surveys, profiles, plans or estimates made by him for the city, which shall be the property of the city, and which with all books or papers pertaining to his office and minutes of surveys by him made, he shall turn over to the city clerk on expiration of his term of office. All bridges, reservoirs and sewers shall be built subject to his acceptance, but a contractor may appeal from his decision to the common council.

The city assessor; his powers and duties.

SECTION 9. The duties of assessor shall be as prescribed by the general laws of the state, except as modified by the provisions of this act.

The street commissioner; his powers and duties.

SECTION 10. The street commissioner shall be *ex-officio* a policeman, and shall hold his office where directed by the common council. He shall attend the regular meetings of the common council and shall present in writing at each such meetings a sworn statement, showing, in detail the amount and cost of all material used and all labor employed for the city during the month, of whom purchased and where used; and he shall make such purchases from time to time as the common council may direct, but not inconsistent with the provisions of this act, and at the end of his term of office make a full report thereof to said body. His powers, except as defined by this act, shall be prescribed by the common council. He shall make report in detail whenever required by the common council of all of his acts and doings, and at the expiration of his term of office shall deliver over to his successor all books, moneys, records, papers and other property pertaining to said office, or belonging to the city, and his records and papers shall be open to the inspection of any citizen of the city at all reasonable hours. In all other respects except as modified and curtailed by this act, and except as herein otherwise stated, his duties shall be the same as that of overseers of highways in towns under the general laws of this state.

Justices of the peace and constables; their jurisdiction powers and duties.

SECTION 11. The powers and duties of justices of the peace and constables under this act shall be prescribed by the general laws of this state in regard to justices and constables in towns.

SECTION 12. The common council at its first meeting or as soon thereafter as may be, shall designate the newspaper printed in the city to which the contract for printing shall have been awarded as hereinafter provided, in which shall be published all ordinances, notices, proceedings of the common council and all proceedings required by law to be published, which printing shall be let by contract to the lowest bidder, but no bids therefor shall be considered which shall be higher than the legal rate for like work as the same now is or may hereafter be established by law. The city printer or printers immediately after the publication of any notice, ordinance, resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of the publisher or his foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or by-law, and the clerk shall file the same in his office as herein prescribed, but the bill for publishing the same shall not be audited until such affidavit is so filed. Official city paper.

SECTION 13. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties. Additional duties may be imposed upon city officers by council.

SECTION 14. All elective and appointive officers shall receive such pay *per annum* or *per diem* as the common council shall prescribe. Salaries.

SECTION 15. The mayor, acting mayor, sheriff of Wood county, each alderman, justices of the peace, marshal, chief engineer of the fire department, deputy sheriffs and constables of Wood county, policemen, watchmen and street commissioner shall be officers of the peace in said city, and may command the peace and suppress in a summary manner rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if needed, of all citizens, fire companies, and if any person shall refuse to aid in maintaining the peace when so required, every such person Officers of the peace, who are.

shall forfeit and pay a fine of not less than ten nor more than fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior the superior officer present, in the order mentioned in this section shall direct proceedings.

Penalty for retiring officers failing to deliver books, etc., to his successor in office.

SECTION 16. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office all property, books, papers and effects belonging to said city or pertaining to the office, he may have held, shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

City official not to be interested in city job or contract.

SECTION 17. No city official shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any aldermen may be so interested shall be null and void, and in case any money shall have been paid on any such contract the common council may sue for and recover the amount so paid from the parties to such contracts and the alderman interested in the same, except as otherwise herein provided.

CHAPTER IV.

THE COMMON COUNCIL — ITS POWERS.

The common council, how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of ordinances shall be "The mayor and common council of the city of Marshfield do ordain as follows."

Meetings of council.

SECTION 2. The common council shall hold its first meeting in each year on the third Tuesday of April, and shall thereafter hold its regular meetings at such times and places as it shall appoint. The mayor may call a special meeting by a written notice to each of the members to be served personally or left at their several places of abode at least six hours prior to the time of such meeting.

SECTION 3. The common council shall determine the rules of its own proceedings. Two-thirds of the members shall constitute a quorum for the transaction of business. A smaller number may adjourn. Their sessions shall be open to the public; the ayes and nays may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes, or for the appropriation or disbursement of money or creating any liability or charge against the city or any fund thereof, the votes shall be taken by the ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judges of the election and qualification of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the attendance of its members at its meeting, and employ the police of the city for that purpose, may fine or expel any member for neglect of duty as such member, or for unnecessary absence from sessions of the council. All confirmations by the city council the votes shall be taken by *viva voce*, and such votes shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council shall be necessary to a confirmation. General provisions governing council.

SECTION 4. The common council shall have the management and control of the finances and of all the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such rules, by-laws and regulations for the government and good order of the city; for the benefit of the trade and commerce of the city, and health of the inhabitants thereof; for the prevention of crime, and for carrying into effect the powers vested in said council, as it shall deem expedient; such council shall have power to declare and impose penalty, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the General powers of common council.

United States, or of this state, or of the laws thereof, and for the aforesaid purposes such common council shall have authority by ordinances, resolution, by-laws or regulations:

Licenses.

1st. To license, regulate or prohibit the exhibition of common showmen, or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten-pin alleys, and to provide for the abatement and removal of the same under the ordinances of said city, and the laws of the state; and may grant licenses for and regulate groceries, tavern keepers, victualing houses, or other houses or places for the selling or giving away of spirituous, vinous or fermented liquors; provided, that in case an application for a license is denied, the council shall not have authority till after the succeeding first day of May to grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person at the same place; provided further, that the council may establish saloon limits by ordinance, which said limit shall not be extended, except by a vote in favor of the same of three-fourths of all the members of the common council; and provided further, that no such license shall be granted except by majority vote of all the members of the common council, and the person to whom such license is granted shall give a bond as provided by the general law of this state.

Gambling.

2nd. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

Regulation of exhibitions and amusements.

3rd. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities; and all other exhibitions and amusements.

Riots, disturbances, etc.

4th. To prevent and suppress riots, noises, disturbances or disorderly assemblies; and to suppress and restrain disorderly houses and houses of ill-fame.

Abatement of nuisances.

5th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, alley, sewers or other unwholesome or nauseous place, to cleanse the same from time to time, or remove or abate the same as it may be deem necessary for the

health, comfort and convenience of the inhabitants of said city.

6th. To direct the management of and to regulate breweries, tanneries and packing houses, and to direct the location, management and control of, and regulate, license, restrain, abate or prohibit within the city, and within a distance of two miles therefrom of distilleries, slaughtering establishments, glue factories, establishments for cleaning or rendering lard, tallow, offal, and such other substances as can or may be rendered and all establishments or places where any nauseous, offensive or unwholesome business may be carried on. Regulating breweries, tanneries, etc.

7th. To direct the location and management of public markets. Public markets.

8th. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meats, vegetables, fish, butter, fruits, and other provisions within the city, and to appoint an inspector of food, and to describe his duties and compensation, and to cause the seizure and destruction, or other disposition of tainted or unwholesome meats, butter, vegetables, fruits or provisions. Butchers, stalls, etc.; inspector of food.

9th. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials. Gun powder and other combustibles.

10th. To prohibit the shooting of fire-arms and fire crackers, and the exhibition or use of any fireworks at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein, or annoying to the citizens thereof. Shooting of fire-arms, etc.

11th. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, or other public places with carriages, carts, wagons, sleighs, sleds, wheelbarrows, lumber, posts, timber, awnings, or any substance or material, or in any manner whatsoever. Encumbering of streets, etc.

12th. To prohibit horse racing and immoderate driving or riding in the streets. Horse racing, etc., in streets.

13th. To prohibit and punish the abuse of animals. Abuse of animals.

14th. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise while standing or remaining in any street, alley or public ground. Fastening of horses, etc., on streets.

Vagrants, street beggars, etc.

15th. To restrain and punish vagrants, mendicants, street beggars and prostitutes and to provide for the punishment of the same by hard labor or otherwise as the common council may direct by ordinance, and to restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Running at large of dogs.

16th. To prohibit the running at large of dogs and to authorize the destruction of same in a summary manner when at large contrary to the ordinances.

Licensing of dogs.

17th. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than five dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of said licensed dog.

Contagious diseases.

18th. To make regulations to prevent the introduction of contagious diseases into the city or the spread of the same therein; to make quarantine laws or regulations and to enforce the same within the city, and not to exceed three miles beyond the city limits.

Hospitals.

19th. To provide for the regulation and support of hospitals, and for the establishment of the same.

Preservation of health.

20th. To do all acts, and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Burial of the dead; cemeteries, etc.

21st. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemetery purposes within or without the city limits, and to exercise jurisdiction and control thereof.

Running at large of cattle, etc.

22nd. To regulate and restrain, or prohibit, the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding, and sale of the same, for the penalty incurred and cost of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinances.

Public auctions.

23rd. To regulate the holding of public auctions.

24th. To prescribe and regulate the construction of sewers within the city. Sewers

25th. To locate, purchase sites, and let contracts for the erection and construction of public buildings; to acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks and any other public purposes; and to sell, dispose of and convey the same except upon a three-fourths vote of the common council. Public buildings, etc.

26th. To lay out, make, open and keep in repair, alter or discontinue, any highways, streets, lanes and alleys, and to keep them free from incumbrances and to protect them from injury, Opening and repairing of streets and highways.

27th. To establish and alter the grade of streets, and to regulate the manner of using the streets in said city, and to protect the same from injury by vehicles used thereon. Establishing and alte ring grade of streets and highways.

28th. To name or change the name of any street. Naming of streets.

29th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water to the inhabitants of the city, and to supply such city with water for fire protection and other purposes; and to secure the erection of water works said city may by contract or ordinance grant to any person, persons, company or corporation the full right and privilege to build and own such water works, and to maintain, operate and regulate the same, and in so doing, to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also by contract or ordinance provide for supplying from such water works the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance; provided, however, that the annual expense of such water works shall not exceed four thousand dollars to the city, and if it should so exceed that sum, then that such contract shall not be in force unless ratified by a majority vote of the freeholders of said city at a special or general election. Public pounds water works, etc.

Lighting of streets, public grounds, etc.

30th. To provide for lighting the streets, public grounds and buildings by electricity or otherwise; and for such purpose to contract by ordinance or otherwise with any person, persons, company or corporation for a term not exceeding five years at any one time, at such price, on such terms and on such limitations as may be prescribed by such contract or ordinance; and provided further that such contract shall be let to the lowest bidder and that the common council shall have the right to reject any and all bids.

Boards of health.

31st. To establish and regulate boards of health.

Abatement and removal of nuisances.

32d. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fines or imprisonment, and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets or any other part of the city, or within its jurisdiction by indictment or otherwise.

Depositing of putrid carcasses within city; removal of unwholesome substances.

33rd. To prohibit any person from bringing, depositing, or having within the limits of the city any putrid carcass or other unwholesome substance; and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances or any putrid or unsound beef, pork, fish or hides, and on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Ringing bells, blowing of horns, etc.

34th. To prohibit the ringing of bells, or blowing of horns on the streets or public places of the city, or the crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others for the purpose of business, amusement or otherwise.

Sprinkling of streets.

35th. To provide for the sprinkling of streets, either at the expense of the city or of the lots or parts of lots fronting thereon.

Removal of snow and ice from sidewalks, etc.

36th. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alleys opposite thereto, and to compel such own-

ers or occupants to remove from the lot or lots owned or occupied by them all such substances as the common council or board of health may direct; and on their default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Driving cattle on sidewalks.

37th. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city or in any way doing damage to such sidewalks.

Sale of bread.

38th. To regulate the sale of bread within the city and prescribe the size and weight of bread in the loaf or otherwise, and the quality of the same.

Weights and measures.

39th. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures; the standard of such weights and measures shall be conformable to those established by law in this state.

Weighing of hay; ice, wood, etc.

40th. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the sale and cutting of ice, and to restrain the sale of such ice as is impure; to regulate the measuring and sale of wood, and the weighing and sale of coal and lime, and the places and manner thereof.

Auctioneers, pawnbrokers, etc.

41st. To license and regulate auctioneers, distillers, gluers, and pawnbrokers, and keepers or proprietors of junk shops, and places for the sale and purchase of certain canned goods, wares and merchandise.

Hawkers, peddlers, cheap Johns, etc.

42nd. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and merchants, and persons who travel from place to place to sell goods wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and merchants, and persons who travel from place to place to sell goods, wares and merchandise within the limits of said city, whether sold by auction or otherwise, and whether put up to the highest bidder, or whether by what is usually called "Dutch Auction," or by

bidding down of the seller of such goods, or by adding to the quantity of goods first offered at a fixed price, and when licensed to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called "Cheap John," transient dealers, traders or merchant or persons who travel from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city any goods, wares or merchandise except farm, dairy, nursery and green house products, without first having obtained a license therefor according to the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of the ordinances or laws herein referred to, shall on conviction thereof be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the licensee therein named, or the holder thereof, to make any of the sales herein prohibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

Regulate keeping of lumber yards, etc.

43rd. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Appointment of inspectors, weighers and gaugers.

44th. To provide for the appointment of inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

Regulate use of locomotives; location of railroad tracks, etc.

45th. To regulate the use of locomotive engines within the city; to regulate the speed of railway trains within the city not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in streets, and as one of the conditions for such privilege to require railway companies to maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as may be necessary, also to regulate the running of such railway cars, the laying down of tracks for the same and the kind of rail to be used.

46th. To provide for the appointment of watchmen and policemen, and to regulate the police and prescribe their duties. Watchmen and policemen.

47th. To declare the weed commonly called Canada thistle and other noxious plants and weeds in the city a public nuisance, and to provide for the abatement of the same as the city is authorized by law to abate other nuisances. Noxious weeds.

48th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. Ornamental trees.

49th. To authorize the taking up and to provide for the safe keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and who are growing up in mendicancy, ignorance, idleness and vice. Care of destitute children.

50th. To authorize the arrest and imprisonment of vagrants or persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming houses, house of fortune telling, or place of cock fighting, all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held. Vagrants, street beggars, etc.

51st. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons. Concealed weapons.

52nd. To control and regulate the construction of buildings, chimneys and smoke stacks, and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances, and to provide for their summary abatement. Construction of buildings, smoke stacks, etc.

53rd. To regulate or prohibit the use of any hall, theatre, opera house, church, school house or Regulation of use of halls, theatres, churches, et

building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress for the persons therein assembled in case of fire alarm or otherwise.

Running at large of cattle, etc.

54th. The common council shall have power to prohibit the running at large upon the streets, alleys and public grounds within the city of all horses, mules, cattle, sheep, hogs, goats, geese or poultry.

Levy of tax for agricultural fair.

55th. To appropriate and levy a tax not to exceed two thousand dollars in any one year for the purpose of purchasing and maintaining grounds suitable for holding an agricultural fair, and to regulate and control said grounds and buildings if so purchased.

Ordinances, regulations, etc., how passed, published, etc.

56th. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council and shall be signed by the mayor, and countersigned by the clerk, and shall within fifteen days after their passage respectively be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded the publication thereof respectively within the said time shall be proven by the affidavit of the publisher, his printer, or foreman, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such by-law, ordinance, resolution or regulation, and a proof of such record certified by the clerk under the seal of the city, or any printed book containing the same purporting to have been published under the sanction of the mayor and council shall be *prima facie* evidence of the due passage and publication of such law, ordinance, resolution, regulation or by law.

Examination of accounts of city officers.

SECTION 5. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city at such time or times as it may deem necessary.

Corporate authority, when vested.

SECTION 6. The corporate authority of the city shall be vested in the mayor and common council.

SECTION 7. The salary of the aldermen shall be not to exceed fifteen dollars, and that of the mayor one hundred dollars per year. The common council shall at its first meeting in February, in each and every year, and for this purpose the common council shall hold a meeting in the month of February, by resolution fix the salary or fees of all other officers of said city for the ensuing year whether said officers be elected or appointed, which salary or fees shall not increase or diminish during the term for which said officers may be elected or appointed. For the year 1891 the common council of said city shall fix said salary of said officers at its last regular meeting before the annual spring election. Salaries of aldermen and mayor and other officers.

CHAPTER V.

ACTIONS, APPEALS, BONDS AND SURETIES.

SECTION 1. All actions brought to recover any penalty or forfeiture, or for the punishment of any offender for the violation of the ordinances or by-laws made by this city shall be brought in the corporate name of the city. Actions to be brought in name of city.

SECTION 2. In case of convictions in actions brought or prosecuted to recover a penalty under any of the provisions in this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of said city, the court shall enter judgment for such fines, penalty or forfeiture together with the costs of prosecution against the defendant, and shall also enter a judgment that such defendant be imprisoned in the county jail until such judgment be paid, not exceeding, however, the term of six months, and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment the court shall also render judgment that such defendant pay the costs of prosecution, and that he be held in imprisonment until such costs are paid, but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months. Judgments on finding.

Appeals from judgments imposing penalties, fines or forfeitures.

SECTION 4. Any person aggrieved
ment of the court imposing a fine, pe
feiture, or a term of imprisonment,
from such judgment to the circuit co
county, in the same manner in whi
may under the general law appeal fro
of the justices of the peace in actio
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Claim against city to be presented to council before suit brought.

SECTION 4. No action shall be m
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Action of council disallowing claim conclusive unless appealed from.

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such common council as in this act p

Appeal from action of council disallowing claim, how taken; proceedings.

SECTION 6. Whenever any claim
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PTER VI.

IPAL COURT.

s hereby established in the municipal court for the usiness that may lawfully or that purpose the city of eclared a municipality. The e city of Marshfield shall on April, A. D. 1891, and once reafter, on the first Tuesday ble person to the office of al court to be called a muni- hold his office for the term ntil his successor is duly and the said judge shall be- duties of his office take and office to support the consti- states, and the constitution nsin, and to faithfully, hon- lischarge the duties of his y be administered by any aw to administer oaths, and fice of the clerk of the cir- unty, and a duplicate oath ce of the city clerk in the gether with an official bond e form now prescribed for f the state of Wisconsin.

Election of municipal judge.

nicipal judge of the city of jurisdiction to try and de- t law where the amount d the sum of one thousand

Jurisdiction of municipal court.

Appeals from judgments imposing penalties, fines or forfeitures.

SECTION 4. Any person aggrieved by the judgment of the court imposing a fine, penalty or forfeiture, or a term of imprisonment, may appeal from such judgment to the circuit court of Wood county, in the same manner in which offenders may under the general law appeal from judgments of the justices of the peace in actions where the state is a party plaintiff.

Claim against city to be presented to council before suit brought.

SECTION 4. No action shall be maintained by any person against the city of Marshfield upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim, shall be deemed a disallowance thereof.

Action of council disallowing claim conclusive unless appealed from.

SECTION 5. The determination of the common council in disallowing in whole or in part any claim shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Appeal from action of council disallowing claim, how taken; proceedings.

SECTION 6. Whenever any claim against the city of Marshfield shall be disallowed in whole or in part by the common council such person may appeal from the decision of such common council disallowing said claim to the circuit court of Wood county, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim, and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the mayor and city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council, with its decision thereon, and shall transmit the same, together with all papers in the case to the clerk of the circuit court of said county of Wood. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said

court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by the common council exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

CHAPTER VI.

MUNICIPAL COURT.

Election of municipal judge.

SECTION 1. There is hereby established in the city of Marshfield a municipal court for the transaction of all business that may lawfully come before it, and for that purpose the city of Marshfield is hereby declared a municipality. The qualified electors of the city of Marshfield shall on the third Tuesday of April, A. D. 1891, and once in every two years thereafter, on the first Tuesday in April, elect a suitable person to the office of judge of said municipal court to be called a municipal judge, who shall hold his office for the term of two years and until his successor is duly elected and qualified, and the said judge shall before entering upon the duties of his office take and subscribe the oath of office to support the constitution of the United States, and the constitution of the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his office, which oath may be administered by any officer authorized by law to administer oaths, and shall be filed in the office of the clerk of the circuit court of Wood county, and a duplicate oath also be filed in the office of the city clerk in the city of Marshfield, together with an official bond with two sureties in the form now prescribed for justices of the peace of the state of Wisconsin.

Jurisdiction of municipal court.

SECTION 2. The municipal judge of the city of Marshfield shall have jurisdiction to try and determine all actions at law where the amount claimed shall not exceed the sum of one thousand

dollars, and to try and determine all criminal actions where the crime was committed in said city, and that are not punishable by commitment to the state's prison, and to arrest and examine, and to hold to bail all parties charged with other offenses against the laws of the state, as provided by law, and the said court and judge thereof shall also have exclusive original jurisdiction of all offenses and actions under the charter of said city, and the ordinances, rules, and by-laws of said city, and exclusive jurisdiction of all criminal trials and examinations for offenses committed within said city, subject to appeal to the circuit court of said county, and the statute of removal of causes either civil or criminal, applying to justices of the peace shall not apply to said judge or his court, and there shall be no removal therefrom, and the said court and the judges thereof shall have all the jurisdiction given by law to justices of the peace of said county, and the proceedings and practices of said court shall in all respects as far as practicable comply with the laws of the state applicable to justices' courts, except as otherwise provided in this title, and transcripts of judgments of the said municipal court shall be with like effect filed and entered with the clerk of the circuit court of said county; and all appeals, civil and criminal, may be taken in the same manner, and with like effect as are now provided for courts of justices of the peace. And the said judge shall have power to sentence and commit all persons convicted of any of the offenses of which he has jurisdiction that the circuit judge and justices of the peace may lawfully do, and said court may further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment inserting therein such time of imprisonment on every person so convicted and committed may be kept at hard labor in the common jail of the county of Wood, or at such place as the city of Marshfield may provide for the benefit of said city under the watch, guard and supervision of whosoever the mayor and common council shall appoint, for the period of

time for which such person shall have been so committed, unless said judgments, fines, penalties, forfeitures and costs are sooner paid.

Charter provisions and general laws relating to justice courts shall apply to municipal court.

SECTION 3. The provisions of the charter of the city of Marshfield and all other laws of the state relating to justice courts shall be so construed as to apply to said municipal court so far as the same are not inconsistent with this act, and the jurisdiction, powers and duties of the municipal court in both civil and criminal proceedings shall be the same as is provided for in justice courts, except as modified and changed by this act.

Fees.

SECTION 4. The same fees in all civil actions that are now allowed by law to justices of the peace, and one dollar in addition thereto for each civil action commenced in said court, which is hereby imposed as a tax for entering such action upon the dockets of said judge, which last sum shall be taxed and be recovered as a part of the cost in such action in the same manner as the fees now allowed are taxed and received; provided, however, that the common council of said city may pay the judge of said court the sum of three hundred dollars annually, which shall be in full for his services in conducting criminal trials and examinations, to be fixed by the common council at its first meeting in each and every year.

Reports to be made by judge to council of fees collected by him, when.

SECTION 5. In case the salary of said judge be fixed by the common council as herein provided, he shall monthly report to the common council the amount of all fees thus collected by him in criminal actions and have attached thereto a receipt from the city treasurer, that such fees have been turned over to him; he shall also report to the common council monthly a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall at the same time account for and pay over to the city treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable for or pay any costs for violations of any law of this state, and such judge or justices shall pay to the city treasurer all fines collected for offenses against the laws of the state in the same manner as justices of the peace are required by law to do.

When city liable to judge for fees.

SECTION 6. The city shall not be liable to said municipal judge for his said fees except such as

shall accrue in the prosecution for violation of the charter or ordinances of the city, wherein costs are not and cannot be collected of the offender. Appeals and writs of *certiorari* may be taken from the municipal judge in the same manner as from justices of the peace.

Official seal.

SECTION 7. The judge of the said municipal court may provide a seal for his said court and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge when sealed with the seal of said court shall be evidence in all courts and places in this state, and shall have the same effect as the seal of the court of record.

Jurors.

SECTION 8 Jury trials in said municipal court may be conducted in the same manner as in justice courts, unless otherwise provided. The common council of the city of Marshfield may by ordinance provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors of the said municipal court, shall have the force and effect of law. Any juror when duly summoned to attend said court and who shall not attend at the time required in the summons shall be adjudged guilty of contempt, and shall be fined a sum of not less than five nor more than ten dollars, and appeals from said court shall be allowed in all cases tried in said court, whenever and in the same manner, and in the same form and manner as appeals are now allowed by law from justice courts.

Jurisdiction of Wood county not impaired hereby.

SECTION 9. Nothing herein contained shall be construed as to abridge or impair the jurisdiction of said Wood county.

Attorney's fees.

SECTION 10. In all cases where the amounts claimed by the plaintiff shall exceed the sum of two hundred dollars and the plaintiff appears by an attorney of record the sum of fifteen dollars shall be taxed as attorney's fees to the successful party, and except as herein provided, the same attorney's fees shall be charged and recovered as now provided by law in justice courts.

CHAPTER VII.

FIRE DEPARTMENT.

SECTION 1. It shall be competent for the common council to provide by ordinance for the organization and management of volunteer fire companies, and to appropriate from the general funds such sums as may be deemed requisite for the aid of such companies to procure an apparatus and outfit, and maintain and house the same, to provide by ordinance for the appointment of a chief engineer, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section. Organization of volunteer fire companies.

SECTION 2. It shall be competent for the common council to fix and designate fire limits, within which no buildings having wooden outside walls shall be constructed, or repaired so as to increase their value beyond the percentage to be fixed in the ordinance; and the common council may by ordinance prescribe special fire limits within the general fire limits or outside of the same, within which special fire limits they may require such building material to be used, and such additional precautions to be observed both in the construction of new buildings, and the repairing and maintenance of existing buildings as they may from time to time designate for the prevention of fires, and the spread and communication thereof, and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits or any particular provision thereof; and to that end they may provide for the appointment of a building inspector, designate his authority, fix his term of office, and provide for his compensation; but the common council shall possess no power to contract or diminish the fire limits once established, except the fire limits heretofore established may be altered at any time prior to October 1st, 1991. Council may fix fire limits.

SECTION 3. It shall be competent for the common council to provide by ordinance for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and to maintain it at the sole ex- Organization of paid fire department.

Lighting of streets, public, grounds, etc.

30th. To provide for lighting the streets, public grounds and buildings by electricity or otherwise; and for such purpose to contract by ordinance or otherwise with any person, persons, company or corporation for a term not exceeding five years at any one time, at such price, on such terms and on such limitations as may be prescribed by such contract or ordinance; and provided further that such contract shall be let to the lowest bidder and that the common council shall have the right to reject any and all bids.

Boards of health.

31st. To establish and regulate boards of health.

Abatement and removal of nuisances.

32d. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fines or imprisonment, and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets or any other part of the city, or within its jurisdiction by indictment or otherwise.

Depositing of putrid carcasses within city; removal of unwholesome substances.

33rd. To prohibit any person from bringing, depositing, or having within the limits of the city any putrid carcass or other unwholesome substance; and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances or any putrid or unsound beef, pork, fish or hides, and on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Ringing bells, blowing of horns, etc.

34th. To prohibit the ringing of bells, or blowing of horns on the streets or public places of the city, or the crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others for the purpose of business, amusement or otherwise.

Sprinkling of streets.

35th. To provide for the sprinkling of streets, either at the expense of the city or of the lots or parts of lots fronting thereon.

Removal of snow and ice from sidewalks, etc.

36th. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alleys opposite thereto, and to compel such own-

ers or occupants to remove from the lot or lots owned or occupied by them all such substances as the common council or board of health may direct; and on their default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

37th. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city or in any way doing damage to such sidewalks. Driving cattle on sidewalks.

38th. To regulate the sale of bread within the city and prescribe the size and weight of bread in the loaf or otherwise, and the quality of the same. Sale of bread.

39th. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures; the standard of such weights and measures shall be conformable to those established by law in this state. Weights and measures.

40th. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the sale and cutting of ice, and to restrain the sale of such ice as is impure; to regulate the measuring and sale of wood, and the weighing and sale of coal and lime, and the places and manner thereof. Weighing of hay; ice, wood, etc.

41st. To license and regulate auctioneers, distillers, gluers, and pawnbrokers, and keepers or proprietors of junk shops, and places for the sale and purchase of certain canned goods, wares and merchandise. Auctioneers, pawnbrokers, etc.

42nd. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and merchants, and persons who travel from place to place to sell goods wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and merchants, and persons who travel from place to place to sell goods, wares and merchandise within the limits of said city, whether sold by auction or otherwise, and whether put up to the highest bidder. or whether by what is usually called "Dutch Auction," or by Hawkers, peddlers, cheap Johns, etc.

bidding down of the seller of such goods, or by adding to the quantity of goods first offered at a fixed price, and when licensed to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called "Cheap John," transient dealers, traders or merchant or persons who travel from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city any goods, wares or merchandise except farm, dairy, nursery and green house products, without first having obtained a license therefor according to the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of the ordinances or laws herein referred to, shall on conviction thereof be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the licensee therein named, or the holder thereof, to make any of the sales herein prohibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

Regulate keeping of lumber yards, etc.

43rd. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Appointment of inspectors, weighers and gaugers.

44th. To provide for the appointment of inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

Regulate use of locomotives; location of railroad tracks, etc.

45th. To regulate the use of locomotive engines within the city; to regulate the speed of railway trains within the city not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in streets, and as one of the conditions for such privilege to require railway companies to maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as may be necessary, also to regulate the running of such railway cars, the laying down of tracks for the same and the kind of rail to be used.

46th. To provide for the appointment of watchmen and policemen, and to regulate the police and prescribe their duties. Watchmen and policemen.

47th. To declare the weed commonly called Canada thistle and other noxious plants and weeds in the city a public nuisance, and to provide for the abatement of the same as the city is authorized by law to abate other nuisances. Noxious weeds.

48th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. Ornamental trees.

49th. To authorize the taking up and to provide for the safe keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and who are growing up in mendicancy, ignorance, idleness and vice. Care of destitute children.

50th. To authorize the arrest and imprisonment of vagrants or persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming houses, house of fortune telling, or place of cock fighting, all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held. Vagrants, street beggars, etc.

51st. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons. Concealed weapons.

52nd. To control and regulate the construction of buildings, chimneys and smoke stacks, and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances, and to provide for their summary abatement. Construction of buildings, smoke stacks, etc.

53rd. To regulate or prohibit the use of any hall, theatre, opera house, church, school house or Regulation of use of halls, theatres, churches, et

building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress for the persons therein assembled in case of fire alarm or otherwise.

Running at large of cattle, etc.

54th. The common council shall have power to prohibit the running at large upon the streets, alleys and public grounds within the city of all horses, mules, cattle, sheep, hogs, goats, geese or poultry.

Levy of tax for agricultural fair.

55th. To appropriate and levy a tax not to exceed two thousand dollars in any one year for the purpose of purchasing and maintaining grounds suitable for holding an agricultural fair, and to regulate and control said grounds and buildings if so purchased.

Ordinances, regulations, etc., how passed, published, etc.

56th. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council and shall be signed by the mayor, and countersigned by the clerk, and shall within fifteen days after their passage respectively be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded the publication thereof respectively within the said time shall be proven by the affidavit of the publisher, his printer, or foreman, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such by-law, ordinance, resolution or regulation, and a proof of such record certified by the clerk under the seal of the city, or any printed book containing the same purporting to have been published under the sanction of the mayor and council shall be *prima facie* evidence of the due passage and publication of such law, ordinance, resolution, regulation or by law.

Examination of accounts of city officers.

SECTION 5. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city at such time or times as it may deem necessary.

Corporate authority, when vested.

SECTION 6. The corporate authority of the city shall be vested in the mayor and common council.

SECTION 7. The salary of the aldermen shall be not to exceed fifteen dollars, and that of the mayor one hundred dollars per year. The common council shall at its first meeting in February, in each and every year, and for this purpose the common council shall hold a meeting in the month of February, by resolution fix the salary or fees of all other officers of said city for the ensuing year whether said officers be elected or appointed, which salary or fees shall not increase or diminish during the term for which said officers may be elected or appointed. For the year 1891 the common council of said city shall fix said salary of said officers at its last regular meeting before the annual spring election.

Salaries of aldermen and mayor and other officers.

CHAPTER V.

ACTIONS, APPEALS, BONDS AND SURETIES.

SECTION 1. All actions brought to recover any penalty or forfeiture, or for the punishment of any offender for the violation of the ordinances or by-laws made by this city shall be brought in the corporate name of the city.

Actions to be brought in name of city.

SECTION 2. In case of convictions in actions brought or prosecuted to recover a penalty under any of the provisions in this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of said city, the court shall enter judgment for such fines, penalty or forfeiture together with the costs of prosecution against the defendant, and shall also enter a judgment that such defendant be imprisoned in the county jail until such judgment be paid, not exceeding, however, the term of six months, and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment the court shall also render judgment that such defendant pay the costs of prosecution, and that he be held in imprisonment until such costs are paid, but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months.

Judgments on finding.

Appeals from judgments imposing penalties, fines or forfeitures.

SECTION 4. Any person aggrieved by the judgment of the court imposing a fine, penalty or forfeiture, or a term of imprisonment, may appeal from such judgment to the circuit court of Wood county, in the same manner in which offenders may under the general law appeal from judgments of the justices of the peace in actions where the state is a party plaintiff.

Claim against city to be presented to council before suit brought.

SECTION 4. No action shall be maintained by any person against the city of Marshfield upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim, shall be deemed a disallowance thereof.

Action of council disallowing claim conclusive unless appealed from.

SECTION 5. The determination of the common council in disallowing in whole or in part any claim shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Appeal from action of council disallowing claim, how taken; proceedings.

SECTION 6. Whenever any claim against the city of Marshfield shall be disallowed in whole or in part by the common council such person may appeal from the decision of such common council disallowing said claim to the circuit court of Wood county, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim, and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the mayor and city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council, with its decision thereon, and shall transmit the same, together with all papers in the case to the clerk of the circuit court of said county of Wood. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said

court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by the common council exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

CHAPTER VI.

MUNICIPAL COURT.

Election of municipal judge.

SECTION 1. There is hereby established in the city of Marshfield a municipal court for the transaction of all business that may lawfully come before it, and for that purpose the city of Marshfield is hereby declared a municipality. The qualified electors of the city of Marshfield shall on the third Tuesday of April, A. D. 1891, and once in every two years thereafter, on the first Tuesday in April, elect a suitable person to the office of judge of said municipal court to be called a municipal judge, who shall hold his office for the term of two years and until his successor is duly elected and qualified, and the said judge shall before entering upon the duties of his office take and subscribe the oath of office to support the constitution of the United States, and the constitution of the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his office, which oath may be administered by any officer authorized by law to administer oaths, and shall be filed in the office of the clerk of the circuit court of Wood county, and a duplicate oath also be filed in the office of the city clerk in the city of Marshfield, together with an official bond with two sureties in the form now prescribed for justices of the peace of the state of Wisconsin.

Jurisdiction of municipal court.

SECTION 2. The municipal judge of the city of Marshfield shall have jurisdiction to try and determine all actions at law where the amount claimed shall not exceed the sum of one thousand

dollars, and to try and determine all criminal actions where the crime was committed in said city, and that are not punishable by commitment to the state's prison, and to arrest and examine, and to hold to bail all parties charged with other offenses against the laws of the state, as provided by law, and the said court and judge thereof shall also have exclusive original jurisdiction of all offenses and actions under the charter of said city, and the ordinances, rules, and by-laws of said city, and exclusive jurisdiction of all criminal trials and examinations for offenses committed within said city, subject to appeal to the circuit court of said county, and the statute of removal of causes either civil or criminal, applying to justices of the peace shall not apply to said judge or his court, and there shall be no removal therefrom, and the said court and the judges thereof shall have all the jurisdiction given by law to justices of the peace of said county, and the proceedings and practices of said court shall in all respects as far as practicable comply with the laws of the state applicable to justices' courts, except as otherwise provided in this title, and transcripts of judgments of the said municipal court shall be with like effect filed and entered with the clerk of the circuit court of said county; and all appeals, civil and criminal, may be taken in the same manner, and with like effect as are now provided for courts of justices of the peace. And the said judge shall have power to sentence and commit all persons convicted of any of the offenses of which he has jurisdiction that the circuit judge and justices of the peace may lawfully do, and said court may further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment inserting therein such time of imprisonment on every person so convicted and committed may be kept at hard labor in the common jail of the county of Wood, or at such place as the city of Marshfield may provide for the benefit of said city under the watch, guard and supervision of whosoever the mayor and common council shall appoint, for the period of

time for which such person shall have been so committed, unless said judgments, fines, penalties, forfeitures and costs are sooner paid.

Charter provisions and general laws relating to justice courts shall apply to municipal court.

SECTION 3. The provisions of the charter of the city of Marshfield and all other laws of the state relating to justice courts shall be so construed as to apply to said municipal court so far as the same are not inconsistent with this act, and the jurisdiction, powers and duties of the municipal court in both civil and criminal proceedings shall be the same as is provided for in justice courts, except as modified and changed by this act.

Fees.

SECTION 4. The same fees in all civil actions that are now allowed by law to justices of the peace, and one dollar in addition thereto for each civil action commenced in said court, which is hereby imposed as a tax for entering such action upon the dockets of said judge, which last sum shall be taxed and be recovered as a part of the cost in such action in the same manner as the fees now allowed are taxed and received; provided, however, that the common council of said city may pay the judge of said court the sum of three hundred dollars annually, which shall be in full for his services in conducting criminal trials and examinations, to be fixed by the common council at its first meeting in each and every year.

Reports to be made by judge to council of fees collected by him, when.

SECTION 5. In case the salary of said judge be fixed by the common council as herein provided, he shall monthly report to the common council the amount of all fees thus collected by him in criminal actions and have attached thereto a receipt from the city treasurer, that such fees have been turned over to him; he shall also report to the common council monthly a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall at the same time account for and pay over to the city treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable for or pay any costs for violations of any law of this state, and such judge or justices shall pay to the city treasurer all fines collected for offenses against the laws of the state in the same manner as justices of the peace are required by law to do.

When city liable to judge for fees.

SECTION 6. The city shall not be liable to said municipal judge for his said fees except such as

shall accrue in the prosecution for violation of the charter or ordinances of the city, wherein costs are not and cannot be collected of the offender. Appeals and writs of *certiorari* may be taken from the municipal judge in the same manner as from justices of the peace.

Official seal.

SECTION 7. The judge of the said municipal court may provide a seal for his said court and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge when sealed with the seal of said court shall be evidence in all courts and places in this state, and shall have the same effect as the seal of the court of record.

Jurors.

SECTION 8 Jury trials in said municipal court may be conducted in the same manner as in justice courts, unless otherwise provided. The common council of the city of Marshfield may by ordinance provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors of the said municipal court, shall have the force and effect of law. Any juror when duly summoned to attend said court and who shall not attend at the time required in the summons shall be adjudged guilty of contempt, and shall be fined a sum of not less than five nor more than ten dollars, and appeals from said court shall be allowed in all cases tried in said court, whenever and in the same manner, and in the same form and manner as appeals are now allowed by law from justice courts.

Jurisdiction of Wood county not impaired hereby.

SECTION 9. Nothing herein contained shall be construed as to abridge or impair the jurisdiction of said Wood county.

Attorney's fees.

SECTION 10. In all cases where the amounts claimed by the plaintiff shall exceed the sum of two hundred dollars and the plaintiff appears by an attorney of record the sum of fifteen dollars shall be taxed as attorney's fees to the successful party, and except as herein provided, the same attorney's fees shall be charged and recovered as now provided by law in justice courts.

CHAPTER VII.

FIRE DEPARTMENT.

SECTION 1. It shall be competent for the common council to provide by ordinance for the organization and management of volunteer fire companies, and to appropriate from the general funds such sums as may be deemed requisite for the aid of such companies to procure an apparatus and outfit, and maintain and house the same, to provide by ordinance for the appointment of a chief engineer, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section. Organization of volunteer fire companies.

SECTION 2. It shall be competent for the common council to fix and designate fire limits, within which no buildings having wooden outside walls shall be constructed, or repaired so as to increase their value beyond the percentage to be fixed in the ordinance; and the common council may by ordinance prescribe special fire limits within the general fire limits or outside of the same, within which special fire limits they may require such building material to be used, and such additional precautions to be observed both in the construction of new buildings, and the repairing and maintenance of existing buildings as they may from time to time designate for the prevention of fires, and the spread and communication thereof, and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits or any particular provision thereof; and to that end they may provide for the appointment of a building inspector, designate his authority, fix his term of office, and provide for his compensation; but the common council shall possess no power to contract or diminish the fire limits once established, except the fire limits heretofore established may be altered at any time prior to October 1st, 1991. Council may fix fire limits.

SECTION 3. It shall be competent for the common council to provide by ordinance for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and to maintain it at the sole ex- Organization of paid fire department.

pense of the city; to provide for the appointment of a chief engineer of the fire department, and as many assistants as may be deemed necessary, and fix their salaries, and to provide for the appointment and compensation of as many firemen as shall from time to time be necessary.

Purchase of fire engines and apparatus.

SECTION 4. It shall be competent for the common council to provide for the purchase and maintenance of all necessary fire-engines and apparatus for the extinguishing or prevention of fires, for the construction and maintenance of all necessary engine-houses and fire-stations, fire-alarms, fire-signals, telegraph and telephones, and for the use of all known means of extinguishing or preventing fires; and the common council may appropriate the necessary sums for carrying the foregoing provisions into effect.

City treasurer to keep account called fire account.

SECTION 5. In case of a paid fire department the city treasurer shall keep a separate account with the general fund, to be called the fire account, in which shall be entered all disbursements, for or on account of, the fire department, and all appropriations made, and all taxes collected for its use.

Fire wardens.

SECTION 6. The mayor shall appoint one fire warden for each ward, subject to confirmation by the common council, who shall perform such duties as the council may prescribe, and he may at any time enter into any building, house, store or inclosure for the purpose of inspecting the same.

Construction of chimneys, fire places, hearths, etc.

SECTION 7. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city

to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishing of the fires, and in the preservation of property exposed to danger thereat.

Treasurer of fire department, his duties.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties to be approved by the council; such money shall only be paid out on orders signed by the chief engineer or acting engineer, and countersigned by the clerk of said department.

Fund for the relief of disabled firemen.

SECTION 9. The common council may establish a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen who may lose their lives in discharge of their duties, or in consequence thereof; and may provide for the management and distribution of such funds or the proceeds thereof; and may require all active firemen to contribute to not to exceed two *per cent.* of their wages to said fund.

Person refusing to obey lawful order of officer at fire may be imprisoned.

SECTION 10. When any person shall refuse to obey any lawful order or any engineer, fire warden or alderman, the mayor or city marshal or other officer or special police at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable, or any citizen, to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officer or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person, shall be liable to a penalty as the common council shall prescribe, not exceeding twenty dollars.

Election of officers of fire company.

SECTION 11. There shall be elected by the members of each company aforesaid annually at their annual meeting a secretary and treasurer, who shall on or before the first Monday in May in each year return to the city clerk a list containing the names of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof by

resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire companies.

SECTION 12. The city clerk is hereby required to beep a record of the members of the several companies organized under this chapter; and such record shall consist of the returns made by the several clerks or secretaries as above provided, and no person shall be exempt from jury duty unless the same is entered on such list. In case any person shall for any cause cease to be a member of either of said companies the clerk shall note the fact on the list thereof, and shall return to the clerk or the board of supervisors of the county of Wood a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the name of such persons on the jury list for the ensuing year; provided. the common council shall by ordinance exempt members of said companies from serving as jurors.

CHAPTER VIII.

WATER WORKS.

Board of public works to operate water works, when.

SECTION 1. Whenever the water works shall be owned by the city the same shall be operated under direction of the board of public works.

Council may legislate on all matters relating to water works.

SECTION 2. The common council shall have power to legislate on all matters with reference to the construction, operation, management and protection of water works for the city not contravening the provisions of this act, or the constitution or laws of this state, or contracts already made; provided, however, that all provisions relating to water works not herein otherwise provided be adopted by a vote of not less than a majority of all members of the council.

City may purchase lands, etc., for public uses.

SECTION 3. The city may acquire by purchase or otherwise as specified in this act for acquiring real estate for the public use such lands as may be necessary for the construction and operation of water works to supply the city and inhabitants thereof with water; provided, that in cases where the water works are owned by private per.

sons or corporations the expenses of acquiring such real estate shall be paid by such persons or corporation or a proper conveyance being made to such persons or corporation of said real estate.

Water rates, how collected.

SECTION 4. When the city owns the water works the water rates shall be collected by the city treasurer, and shall be devoted exclusively to the expenses of maintaining and operating the works and paying the principal and interest of any indebtedness created in the construction thereof.

List of lots to which water furnished to be prepared by board of public works and filed with city treasurer.

SECTION 5. On the first day of January and July in each year, the board of public works shall furnish the city treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months and the amount due for the same. If the amount due is not paid within ten days thereafter. a penalty of ten *per centum* shall be added, and the treasurer shall proceed to collect the said dues, with said penalty, together with five *per centum* thereon for his fees. He shall have all the authority in collecting said tax vested in him in the collection of general city taxes; said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums not paid by the first day of November in any year that have accrued during the preceding year shall be reported by the treasurer to the city clerk, who shall insert the same in the tax roll as delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax.

Proceedings to collect water rates.

Assessment by board of public works of lots for water pipe.

SECTION 6. The board of public works, before laying any water pipe along the streets, alleys or other line in said city, shall assess against the several lots, part of lots or parcels of land which may front on or abut on the proposed line of water pipe, or which may be contiguous to, and used in connection with any such lot or parcel of land, will be in the judgment of said board specially benefited by reason of laying such water pipe, not to exceed, however, the amount prescribed in the next section, provided that no lot, parcel of land, or part thereof, shall be subjected to the payment

of more than one assessment for water pipe laid in the street or alleys.

Amount of assessment on regular lots (not corners).

SECTION 7. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal to one-half of the cost as estimated by the said board of public works, of furnishing and laying a regular line of water pipe of approved material and manufacture, with the required openings for connections with private service water pipe along the front of said lots, such minor pipe to be not less than four, nor more than six inches in diameter. Every irregular lot, part of lot, or other parcel of land, fronting or abutting on such line of water pipe, and likewise, any parcel of land or lot which shall be contiguous to any parcel of land or lot, or part of lot so fronting or abutting, and which, in the judgment of said board, is or may be most advantageously used in connection therewith, shall be assessed to such water pipe, the amount which, in the judgment of said board, shall be as nearly as may be, in just proportion to the amount assessed for regular lot, as compared with the special benefits derived by each, from the laying of the said water pipe.

Amount of assessment on corner lots.

SECTION 8. Every corner lot and every lot, parcel of lot, or parcel of land, which may front or abut on more than one street on which it is proposed to lay a line of water pipe shall be assessed for every such line of water pipe, but the aggregate of the assessments therefor on any such lots or parcels of lands shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by them respectively from the laying of such water pipe; and in making such assessment the said board shall take into consideration the situation of such lot or parcel of land, with respect to its different fronts, and all subdivisions thereof by sale, contract, use or occupation in severalty, and may assess subdivisions separately, and may also assess any subdivision of such lot or parcel of land in connection with any other part of such lot, or other lots or lands contiguous thereto, and most advantageously used in connection therewith.

SECTION 9. The said board of public works shall file reports of such assessment with the city clerk,

who shall record the same in a book to be kept for that purpose, and give notice thereof to the parties interested by publishing the same once in each week for three successive weeks in the official paper. Any person feeling himself aggrieved by the report of said board may within twenty days after the completion of the publication of notice by the city clerk appeal from such reports to the circuit court of Wood county. Such appeal shall be entered and conducted in like manner, and like security for costs shall be required as provided by law in cases of appeal from the decisions of the common council of said city to said court on the return of assessment of benefits for street improvements. In the making and signing of all reports or returns under this chapter by said board of public works to the city clerk, or any other officer of said city, the official signatures of the president and secretary of said board shall be sufficient.

Reports of assessments to be filed with city clerk. Appeals from assessments of board.

SECTION 10. The said board of public works shall from time to time make and file a report with the city clerk of all the work done for which assessments shall have been made, as hereinbefore provided, and shall make such report of all assessments for work so recorded to have been done to the board of public works, shall if practicable make certified returns to the city clerk in time to have the same included in the tax levy for the current year, and the same shall be entered on the tax roll in a separate column under the head of water pipe assessments; and the same shall be collected and the payment therefor shall be enforced by sale, and other proceedings had thereon in like manner as is now provided by law in cases of assessments for streets and improvements, except that no certificate shall be issued, but all such assessments and proceeds thereof when collected shall belong to the water works' fund.

Collection of water pipe assessments.

SECTION 11. The preceding provisions relating to the construction of water mains in whole or in part of the expense of abutting owners shall not apply except in cases where the city owns the works.

Provisions not to apply except in cases where city owns water works.

CHAPTER IX.

FINANCE AND TAXATION.

Funds to be under control of council; how drawn out.

SECTION 1. All funds in the city treasury, except school, state and county funds shall be under the control of the common council and shall be drawn out upon the order of the mayor, countersigned by the clerk, when duly authorized by a majority vote of the common council and in no other manner, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any fund in the treasury belonging to the city not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof. The city treasurer shall not pay out any other funds in his hands which shall be appropriated by law for any special purpose except for the purpose for which such funds are specially appropriated, any requirement of the city council notwithstanding; and any treasurer who shall violate this provision shall be punished therefor by fine of not less than one hundred dollars nor more than five hundred dollars and cost of prosecution, and any member of the common council who shall knowingly vote to misappropriate any of said funds, or to require the city treasurer to pay the same or any part thereof for any other purpose than that for which the said funds were especially appropriated shall be punished therefor by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution.

Annual tax levy.

SECTION 2. The common council shall annually levy upon the taxable property of said city a tax sufficient to defray the current and lawful expences of said city, not however, exceeding one *per centum* of the taxable valuation of all the assessable property in said city, for the year that said tax is to be levied.

Debts not to be contracted unless authorized by council.

SECTION 3. No debt shall be contracted against the city or certificate of indebtedness drawn upon the city treasurer unless the same shall be authorized by a majority of all the members of the common council, and no money shall be appropriated for any purpose whatever except such as is ex-

pressly authorized by this act; provided that the common council shall not issue in any one year orders upon the city treasurer to an amount greater than the amount of taxes levied under the provisions of this act for that year, and the amount received from license, penalties and fines; and the said taxes when so levied shall be collected at the same time as other city taxes are collected, or the amount may be borrowed and certificates of indebtedness issued therefor, drawing interest at not more than seven *per centum* and payable within one year.

Levy of special taxes to pay outstanding bonds.

SECTION 4. Special taxes may also be levied by the common council in any regular meeting for the purpose of paying the interest or principal of any outstanding bond now due or hereafter to become due, issued by the city of Marshfield, or which may be hereafter issued by said city by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collected at the same time other city taxes are collected.

Qualifying of assessor; his duties.

SECTION 5. The assessor elected under this act shall within ten days after receiving notice of his election, take and file an official oath with the clerk of the city, and every such assessor shall be authorized to administer such oath as shall be required by the laws of this state, and of this chapter, and within such time as now or may hereafter be prescribed by the general laws of this state relating to assessments; said assessor shall make out a complete and accurate assessment roll which shall contain a description as near as may be of all the lands, lots or parcels of land within said city sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic shall be assessed. Any omission to assess any real estate in the city to the owner or

as unknown shall not affect the validity of the tax; provided, that such assessment roll may be so made as to conform to this act, and the same are hereby declared to be matters of convenience and not material to the validity of the taxes to be levied upon such assessment. The said assessor shall make a careful canvass of the city for the purpose of obtaining a correct assessment of all articles of personal property in said city, subject to taxation, and for the purpose of such canvass said assessor may appoint an assistant for each ward to assist him in such ward in making said canvass; but the term of service of any such assistant shall not be more than three days. Such assistant shall be entitled to recieve from the city for his services two dollars per day, which services shall be certified to the council by said assessor, and that the same are necessary in order to make a just and correct assessment in said ward. Any neglect on the part of the assessor to make such canvass shall not invalidate his assessment, but if he willfully neglects or does not use reasonable diligence to make the same he shall forfeit the sum of fifty dollars, to be recovered in the name of the city the same as other penalties are recovered; provided, however, that in case where an action is brought to recover said penalty the same may be retained out of his compensation to await the result of the action, and in case judgment is recovered against him the amount so retained shall be applied in payment of said judgment so far as the same will go for that purpose.

The assessment roll

SECTION 6. The city assessor shall have and keep an office as prescribed by the common council, and shall have and keep therein such record of taxable and real property and of personal property, and persons and corporations liable to assessment, as shall be required by the common council. At the time designated by law or within such time as the common council shall prescribe, the city assessor shall proceed to examine and determine the valuations of taxable, real and personal property within said city, and shall enter the same upon an assessment roll in the manner provided by general law with such additions as may be prescribed by the common council; such assessment roll shall be made and completed by the city

assessor on or before the last Monday of July in each year; provided, however, the common council may extend the time for completing said roll for such a period of time as the assessor may call for, not exceeding thirty days.

Notice of hearing objections to assessments.

SECTION 7. When the assessment roll shall be completed the assessor shall give one week's notice thereof in the official paper of the city, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment and after hearing the same the assessor shall make such alterations as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Return of roll to board of equalization.

SECTION 8. Within one week after the time limited for hearing such objections the assessor shall return said assessment roll to the board of equalization of the city. The board of equalization may supply ommissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same; provided, however, that the board of equalization shall not have the power to increase the amount of said roll except by the value of such real and personal properties as may have been ommitted by the assessor.

Assessment of lots omitted in previous years. Relevying of tax set aside.

SECTION 9. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years and that the same was then liable to taxation he shall in addition to the assessment of that year assess upon the lot or tract so omitted for such year or years that it shall have been omitted the just value thereof for the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct in addition to the tax for the current year such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted, and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land set aside or declared void by reason of any defect or informality in the assessing, levy-

ing, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as it shall by ordinance direct; provided, that if the defect was in the assessment the same shall be again assessed at such time as the common council shall direct, and the said tax so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes are collected under this act.

Board of equalization, how constituted.

SECTION 10. The supervisors of each ward, the assessor and city clerk shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of August of each year, at nine o'clock in the forenoon, and shall proceed in all respects so far as town boards are required by law to proceed, so far as the same is applicable, in reviewing, correcting and equalizing the assessment roll of said city.

Corrected assessment roll to be filed with city clerk.

SECTION 11. When the assessment roll shall have been revised and corrected the same shall be filed with the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized, not exceeding, however, the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes in assessment roll to be recorded by city clerk.

SECTION 12. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes levied to be a lien on property.

SECTION 13. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the land and tenements upon which they may be levied from the time of the confirmation of such assessment roll, and upon all personal property of any persons or body politic assessed for personal taxes from the delivery of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal estate shall effect such lien, and any personal property belonging to the person taxed may be taken and sold for the payment of the taxes upon real or personal property.

Preparation of tax roll by city clerk.

SECTION 14. It shall be the duty of the city clerk immediately upon the reception of the corrected assessment roll, and a certificate of the

amount of state, county and school tax apportioned to said city to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, with four *per centum* upon the whole for the expense of collection, to be placed in a separate column prepared for that purpose in the tax roll, placing opposite the several sums set down as the valuation of real and personal property the respective sums assessed as taxes thereon in dollars and cents rejecting the fractions of a cent when less than one-half, otherwise reckoning the said fraction as a cent; provided, however, that the failure to carry out such treasurer's fee as herein prescribed shall not invalidate said roll as to the balance of the taxes therein levied.

Duplicate copy of tax roll to be delivered to treasurer.

SECTION 15. The city clerk shall immediately make out a duplicate copy of such tax roll and deliver the same to the city treasurer on or before the third Monday in December in each year. To such tax roll shall be appended a warrant signed by the mayor and clerk, substantially in the following form:

Form of warrant to be attached thereto.

To ....., city treasurer of the city of Marshfield:

You are hereby required to collect from each of the persons and corporations named in the annexed tax roll and from the owner or occupants named of the real estate described therein the taxes set down in such roll opposite to their respective names and to the several parcels of land therein described, and in case any person or corporation upon whom any such sum or tax is imposed shall refuse or neglect to pay the same you are to levy and collect the same by distress and sale of the goods and chattels of the persons or corporations so taxed, and out of the money so to be collected after deducting your fees you are first to pay to the treasurer of said county on or before the last Monday of January next the sum of ..... dollars for state taxes. You are to retain and pay out as city treasurer according to law the sum of ..... dollars, and the balance of said money you are required to pay to said treasurer for county purposes on or before the day above specified, by which day you are further required to make returns to said treasurer

of this warrant with said roll annexed, together with your doings thereon as required by law.

Dated the ..... day of ....., 189..

....., Mayor.

....., Clerk.

Tax roll and warrant prima facie evidence that lands and persons therein named were subject to taxation.

SECTION 16. The tax roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation and to the special assessments therein entered, and that the assessment was just and equal.

When council may remit, annul or cancel tax.

SECTION 17. After the tax roll shall have been delivered to the treasurer it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

1st. When a clerical error has been made in the description of a property or in the extension of a tax.

2nd. When improvements on lots were considered in making the assessment roll where the improvements did not exist at the time fixed by law for making the assessment.

3rd. When the property is exempt by law from taxation.

4th. When a person has been assessed the same year for the same property in more than one ward or place.

Special assessments, how carried out on tax roll.

SECTION 18. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lots or tracts upon which the same may be a lien; and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax.

Treasurer to give notice that taxes are due and payable.

SECTION 19. On the receipt of such tax roll the treasurer shall give one week's notice thereof in the official paper; such notice shall specify that the tax roll has been committed to him for collection, and that he will receive payment for taxes at his office as prescribed by the general laws of this state for the collection of taxes.

Return of warrant by city treasurer to county treasurer.

SECTION 20. Within the time required by the statutes of this state in the case of town treasurers for the return to the county treasurer of the delinquent taxes on personal and real property, the said city treasurer shall return his warrant to the county treasurer together with his doings thereon, and the mayor and city clerk shall have

the same power to extend the payment of taxes as are given to town boards under the general laws of this state.

SECTION 21. The city treasurer shall be entitled to receive and collect as fees for the collection of taxes two *per centum* upon all sums collected prior to the tenth day of January in each year, and four *per centum* upon all sums collected by him thereafter, and in case of a distress and sale made by him of goods or chattels for the payment of any taxes he shall receive such fees as are allowed to constables for similar services. The city treasurer shall keep in a book to be provided for that purpose a true account and statement of all fees by him received as city treasurer from any source, and such book shall be kept open for inspection at all reasonable times, and such treasurer shall have on file and make return to the common council duly certified on oath of all fees or other moneys received and paid out by him as treasurer, and shall receive no further compensation for his services as treasurer than as is hereinbefore provided. Treasurer's fees.

SECTION 22. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, and no errors or informality in the proceedings of any of the officers entrusted with the same not effecting the substantial justice of the tax shall vitiate or in anywise effect the validity of such tax or assessment. Directions herein construed as directory merely; informalities to be disregarded.

SECTION 23. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, and for proceedings to set aside any assessment or levy of any tax, shall be applicable to the city of Marshfield, except as otherwise herein provided. General tax laws to be in force in city except as herein otherwise provided.

HIGHWAY AND POLL TAX.

SECTION 24. The common council of the city of Marshfield may and are hereby authorized to Council may levy highway tax.

raise by tax not to exceed ten mills upon the dollar upon the assessment valuation of all property in said city of Marshfield, not exempt from taxation by the laws of the state, as a general highway tax for said city, to be collected by the treasurer of said city of Marshfield, at the same time and in the same manner as the general taxes of the city are collected, which tax is to be levied at the same time that general tax for the current expenses of said city is levied, and the clerk of said city is to make and carry out said tax in the annual tax list of said city at the same time and in the same manner as the general taxes of said city are made and carried out in said tax list, to be worked out and expended by the street commissioner of said city under the direction of the common council.

POLL TAX.

Street commissioner to collect poll tax.

SECTION 25. It shall be the duty of every male inhabitant of the city, being over the age of twenty-one years, excepting persons over fifty years of age, idiots, lunatics, paupers, and such persons whose names shall appear upon the list filed with the city clerk by the secretary of the fire department to be members of the fire company in good standing, to pay each year when demanded by the street commissioner a poll tax of one dollar and fifty cents. Said tax may be paid to the street commissioner or be commuted for in labor as now provided by law; and in default of paying the same, either in money or labor, when demanded by the proper officer he shall forfeit and pay a penalty of five dollars. The commissioner shall be entitled to ten *per cent.* of the amount collected by him as poll tax to be retained out of the money so collected, and such other compensation as the common council may determine, and the city shall not be liable for any services ordered to be performed by said street commissioner unless provision is made for paying therefor at the time such services are ordered, except as otherwise herein provided. Whenever any person shall neglect or refuse to pay his poll tax the street commissioner may commence suit for the penalty incurred by the party refusing to pay the tax, in the name of the city, as

provided by the general laws of this state for the collection of poll tax in towns. In case said poll tax is not paid by the first day of July it shall be a sufficient demand to lay foundation for prosecution for the penalty above provided for, if notice is posted up for ten days in three public places in the city of Marshfield, substantially in the following form:

Form of notice.

"To the following named persons:

.....

You are hereby notified that you are liable to pay a poll tax of one and fifty-hundredths dollars to me as street commissioner of the city of Marshfield. If you neglect to pay the same within ten days from the date hereof you will be liable to a penalty of five dollars. Payment may be made at the office of the city clerk.

Dated this .... day of ....., 189..

.....,
Street Commissioner."

All poll taxes collected by the street commissioner in said city shall be expended upon the streets in said city; provided, that any person liable to pay such poll tax may in lieu of such payment perform or cause to be performed one day's labor in said streets.

List of persons liable to pay poll tax.

SECTION 26. The city clerk shall prepare a list in a book to be provided for that purpose of all persons in said city on the first day of May, so far as the same can by reasonable diligence be ascertained by him, who are liable to pay such poll tax. The names shall be arranged in alphabetical order. He shall attach thereto a warrant, substantially in the following form:

Form of warrant.

City of Marshfield,

To ....., street commissioner of said city:

You are required to collect from each of the persons whose names appear herein one and 50–100 dollars as a poll tax, and render an account of same as provided by law.

Dated, the ..... day of ....., 189..

....,
City Clerk.

Said book shall then be delivered to the street commissioner and he shall be charged therefor the amount of the poll taxes specified on said roll. The commissioner may add any names omitted by the city clerk. The said commissioner shall

mark on said book all taxes paid, and he shall return said poll tax book with the report of his doings thereon on a day before the first day of November thereafter, and such report shall be examined by the city clerk and then placed before the council for its action, the same as in the case of other reports, examined by the clerk and provided in the charter. All taxes not collected by the street commissioner and returned delinquent may thereafter be collected by the city marshal, and a proper book containing the names of the delinquents shall be prepared and delivered to him by the city clerk, with a warrant attached thereto substantially the same as herein provided for the street commissioner. He shall take report of the same to the common council by the first day of April thereafter, and such report shall be acted upon the same as the report of the street commissioner, and the said marshal receive the same fees for the money so collected by him as are paid the street commissioner for such service.

CHAPTER X.

SCHOOLS.

Schools to be under supervision of school district boards.

SECTION 1. The common schools of the city of Marshfield shall be under the supervision and control of the school district board or boards of said city, in the same manner as if this act had not been passed, and the same relation shall be sustained between said city and such schools as near as may be, as between a town and the schools therein, and the same reciprocal powers and duties.

CHAPTER XI.

BOARD OF PUBLIC WORKS.

Board of public works, how appointed.

SECTION 1. There may be a department known as the board of public works, to consist of five aldermen to be appointed by the mayor at the first meeting of the council, or as soon thereafter as may be.

SECTION 2. The members of the board of public works shall, on the first Tuesday in May, choose a president of the board from their number, and the city clerk shall be the secretary of the board by virtue of his office.

Board to choose a president; city clerk to be secretary.

SECTION 3. The members of said board shall receive no compensation for their services, except such amount as the council may see fit to allow them, not exceeding, however, the sum of two dollars per day for their services as members of said board.

Compensation of members.

SECTION 4. The common council may make such rules from time to time as it may deem proper, not contravening any of the provisions of this act, for the government of the board of public works, and the manner in which the business of said board shall be conducted.

Council may make rules for government of board.

SECTION 5. A majority of the board shall constitute a quorum for doing business; they shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of said city.

Quorum; records, etc.

SECTION 6. It shall be the duty of the board under the direction of the common council to superintend all public works, and to keep the streets, alleys, sewers and public works and places in repair.

To have superintendence of public works.

SECTION 7. No building shall be moved through the streets or obstructions be placed therein without a written permit therefor granted by the board of public works; said board shall have power to determine the time and manner of using the streets for laying or changing water pipes or placing and maintaining electric lights, telegraph and telephone poles; provided, however, that the decision of said board in this regard may be appealed to the council.

Building not to be moved through streets without permit.

SECTION 8. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up within the time and manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual.

Street, alley or sidewalk, excavated, altered or taken up to be restored to former condition.

SECTION 9. All public works, the estimated cost of which shall exceed one hundred dollars, shall be let by contract to the lowest responsible bidder, and all other public work shall be let as the com-

Public works costing to exceed one hundred dollars to be let to lowest bidder; advertisement for proposals; contractor's bond.

mon council may direct. When the work is directed to be let to the lowest responsible bidder, or when such work is required to be so let under the provisions of this section, the board of public works shall advertise for proposals by publishing a notice in the official paper in the city at least once in each week for at least three successive weeks. Before such proposals are advertised for a profile of the work to be done, together with the specifications, shall be placed on file with the city clerk for inspection of bidders, and a form of contract with sureties as the same will be required to be executed by bidders shall be prepared, and a copy of the same furnished to any person desiring to bid on the work. No bid shall be received when not accompanied by a contract with sureties executed on the part of the bidder, which sureties shall justify as to their responsibility, and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract in property situated in the state of Wisconsin, not by law exempt from execution.

Board to report bids to common council.

SECTION 10. Whenever any bidder shall be in the judgment of said board, incompetent, or otherwise unreliable for the performance of the work on which he bids, the board shall report to the common council a schedule of all the bids for such work, together with the recommendation to accept the bid of the lowest responsible bidder for such work, with their reasons for such recommendation, and thereupon it shall be lawful for the said council to direct the said board, either to let the work to such competent or reliable bidder, or to re-advertise the same, and the failure to let such contract to the lowest bidder, in compliance with this provision, shall not invalidate such contract or any special assessment made to pay the liability incurred under such contract.

Barriers and lights to be maintained by contractor.

SECTION 11. All contractors doing any work which shall, in any manner, obstruct the street or sidewalk, shall put up and maintain barriers and lights, to prevent accident, and shall be liable for all damages caused by failure so to do. All contracts shall contain a provision, covering this liability, and shall also contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from any care-

lessness of such contractor, in the prosecution of such work.

SECTION 12. All contracts shall be signed by the mayor and clerk unless otherwise provided by resolution or ordinance; provided, however, that no contract shall be executed on part of the city until the city clerk shall have countersigned the same and made an endorsement thereon showing that sufficient funds are in the city treasury, or that provision has been made to pay the liability that may accrue under such contract. Contracts, how executed.

SECTION 13. All contracts shall contain a provision authorizing the board of public works in case of work under such contract not being completed within the time therein required to take charge of the work and finish it at the expense of the contractor and his sureties. If work not completed within the specified time board of public works may complete same.

CHAPTER XII.

SIDEWALKS.

SECTION 1. Sidewalks shall be constructed or prepared upon the proper established grade of any street in said city, of such width, in such manner, and of such material, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which sidewalk shall be ordered. When the common council shall so determine to build such sidewalk they shall cause a notice to be served upon the owner or occupant of land in front of which the sidewalk is to be constructed; or if there is no such occupant, notice may be posted on the unoccupied lot, which said notice shall be so served or posted at least ten days before the expiration of the time limited for the owners or occupants of lots to construct said sidewalk. Said notice shall be substantially in the following form: Council to prescribe material, manner and time of construction of sidewalks.

City of Marshfield: To the owners or occupants of the following described premises: Form of notice.

You are hereby notified and required to build a sidewalk in front of your premises on ..... street, which walk must be ..... feet in width, of ..... material, on the established grade.

If you do not complete said walk by the ..... day of ....., 189.., the same will be constructed by the city, and the costs thereof charged to said lot and collected as other taxes are collected, chargeable to you or the said lot or parcel of land.

Dated this ..... day of ....., 189..

....., City Clerk.

Proceedings when owner neglects or refuses to build sidewalk.

If said sidewalk is not constructed pursuant to said notice the same may be constructed by the city, either by contract to the lowest bidder, or in some other manner as the council may by resolution determine. When said sidewalk is completed, if constructed and paid for by the city, the board of public works shall file with the city clerk a certificate showing the amount chargeable to any parcel of land on account of the construction of said sidewalk by the city; such amount if not sooner paid shall, together with ten *per cent.* interest thereon, from the date of such certificate, be placed in the next tax roll for collection as a special tax; the certificate of the board of public works so far as aforesaid, shall be conclusive evidence of all proceedings up to and inclusive of the making of such certificate and conclusive evidence that the parcels of land therein specified are legally chargeable with the amount specified therein. Such special tax shall be collected the same as special grading taxes heretofore provided for; and all provisions of this chapter, so far as applicable thereto relating to the collection of charges for grading, shall apply in case of the said sidewalk tax. If said sidewalk tax is not paid, and the parcel of land bid off by the county at the tax sale the certificate issued therefor shall be the property of the city; and the city may dispose of the same or take a tax deed in case the land is not redeemed according to law and dispose of said lands in such a manner as the common council may determine. The city shall have power to require the repair or re-construction of any sidewalk, and the same proceedings shall be had as in case of the original construction of sidewalks, and such repairs, and the collection of the costs of such repairs and re-construction of such walks. All sidewalks constructed or repaired under this section shall be so constructed or repaired under

the supervision of the street commissioner; provided further, that in case the expense of repairing any sidewalk does not exceed the sum of five dollars the same may be forthwith repaired by the street commissioner, and by him certified to the city clerk; and if not sooner paid the same shall be inserted in the tax roll as a tax against the property; and all proceedings with reference to the same shall be as provided in case of charge for sidewalks certified by the board of public works aforesaid.

Snow, ice, etc., to be removed from sidewalks.

SECTION 2. It shall be the duty of the owner or occupants of lots or parcels of land to keep all sidewalks around the same free from snow, ice, rubbish, boxes, barrels, or any obstructions which will obstruct in whole or in part said walks or impede persons in the use of said walks for walking thereon. Any person who shall fail to comply with the provisions of this section shall forfeit the sum of not less than one dollar nor more than five dollars for each offense, and the further sum of one dollar for each and every day said violation is continued. In construing the provisions of this section where the premises are occupied, the occupants or persons in charge shall be deemed the proper persons whose duty it shall be to comply with the provisions of this section.

CHAPTER XIII.

EMINENT DOMAIN.

City may condemn lands for streets, alleys, public grounds, parks, etc.

SECTION 1. The city of Marshfield shall have the power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for school buildings, and other public buildings, lands for the purpose of drainage and other public municipal purposes not herein enumerated by the following proceedings:

Opening, widening and extension of streets.

SECTION 2. As to streets it shall be competent for any ten resident freeholders in any ward to petition the common council for the opening, widening, extension or change of any streets in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards shall be required to join in the petition.

Such petition shall be addressed to the common council, and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be so taken. For the purposes of such petition a person in possession of land under contract of purchase and sale or a bond for a deed shall be deemed a freeholder.

Action of council on petition.

SECTION 3. When such petition shall be presented to the common council it shall prior to the adoption of any resolution thereon be referred to the board of public works, and said board shall make a report to the common council stating whether or not such petition is sufficiently signed, and if so giving a particular description of each lot, parcel or subdivision of the land proposed to be taken, and a plat of the proposed streets, widening, extension or change. Upon the coming in of such report the common council may, if the petition be reported sufficiently signed, by vote of a majority of its members, adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them for the purpose named in the petition, and direct the city attorney to commence and prosecute the proper proceedings for the condemnation and acquisition of said lands.

Opening, widening or extension of alleys; petition for same.

SECTION 4 As to alleys, a petition for the opening, widening, extension or change of an alley may be made to the common council by the owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall he residents of the city or not. Land held under a land contract or bonds for a deed shall for the purpose of such petition be deemed to be owned by the person so holding it, and infants and others under guardianship may petition by their guardian. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make a report to the common council, stating whether or not the petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or other subdivision of land proposed to be taken, and a plat of the proposed alley, as the same shall be when laid out, widened

extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the common council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterward appear, either in the case of a street or an alley, that such petition was not sufficiently signed that fact shall not in the absence of fraud, vitiate the petitition on the subsequent proceedings thereon.

Action of council thereon.

SECTION 5. The common council may without a petition, by a vote of four-fifths of its members, adopt a resolution declaring it to be necessary to condemn to the public use any land for the opening, widening, extension or changing of any street or alley, and directing the city attorney to commence and prosecute the proper proceedings therefor, and in the case of the opening or extension of public grounds, or acquiring lands as a site for a school building or other public building, or lands for purposes of drainage or water distribution or the taking of lands for any public municipal purpose not herein enumerated, the common council may without a petition therefor, and by a vote of a majority of its members adopt a resolution declaring it to be necessary to condemn lands for such purposes, describing it in general terms, but not particularly describing the lands proposed to be taken, and directing the city attorney to commence and prosecute the proper proceedings therefor. Before any resolution provided for in this section shall be adopted it shall be referred to the board of public works, who shall thereupon make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, public ground, building site, drain or water pipe, or land to be used for other public municipal purposes, and report the same to the common council.

Council may condemn land without petition therefor, when.

SECTION 6. Whenever by any resolution adopted under any of the preceding sections of this chapter it shall be declared necessary to condemn any lands, and the city attorney directed to commence and prosecute the proper proceedings

Petition to circuit court for condemnation of land.

therefor, it shall be the duty of the city attorney to prepare and present as soon as may be a petition to the circuit court of Wood county for the condemnation of the land mentioned in the resolution, for the purpose therein mentioned, and to prepare and file with said petition a sworn list of the names and residences, so far as they are known to him, or can be ascertained by him, of persons owning or being interested in the lands proposed to be taken therein; and said petition shall have annexed thereto copies of the original petition, if any, and the resolution of the common council, and the report of the board of public works as to the proposed condemnation. The city attorney shall thereupon prepare a notice substantially in the following form:

Form of notice.

State of Wisconsin,
In the matter of (here insert the object of the proceedings) in the city of Marshfield. } In the Circuit Court of the County of Wood.

To whom it may concern:

Notice is hereby given that a petition for the condemnation of real estate has been presented to the said court in the above entitled matter, by the city of Marshfield, by its city attorney. All persons interested in said matter may answer said petition at any time within twenty days after the service of this notice exclusive of the day of service.

Dated .....

..... City Attorney.

Service of notice; appointment of jury and proceedings.

Such notice shall be served upon the owners of lands which are proposed to be condemned, and all persons interested therein in all respects like a summons in a civil action, except that in cases of service by publication and mailing, or by publication alone, the publication shall be made in the official paper of the city, and except that service within the state may be made by the city marshal or any police officer under him instead of the sheriff of Wood county, and the return or returns of such city marshal by himself or by his subordinates upon such notice or copies thereof shall have the same force and effect as the return of a sheriff of said county by himself or by his deputy. The filing of said petition shall be deemed a commencement of a suit. With-

in twenty days after service of such notice upon any party owning or being interested in any real estate proposed to be condemned, such party may serve an answer to such petition upon the city attorney and file the same as in case of answers in civil actions. No notice of retainer or appearance without an answer shall be of any avail. When the time for answering shall have fully expired the city attorney may call up said matter for hearing upon a notice of three days, excluding the day of service, and excluding Sunday and legal holidays, and without notice to parties who have not answered, and such proceedings shall have precedence over all other matters not on trial; and the circuit court shall thereupon impanel a jury as in civil cases triable by jury to determine whether or not it is necessary to take the land proposed to be condemned for public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court at the expense of the city, and shall return into court, and such cases, and if no answer shall have been served the city attorney shall produce such evidence as he deems material as to the necessity for such condemnation, and if an answer or answers shall have been served, the issue upon the petition, and such answer or answers shall be tried by the court and jury the same as other issues of facts, and in either case the court shall thereupon instruct the jury as in other cases triable by jury. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either: "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding for the public use," or: "We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding for the public use." Upon the coming in of the verdict judgment shall be entered condemning the land sought to be condemned to the public use for the purpose set forth in the petition, or dismissing the petition as the verdict shall require. If the jury shall disagree a new jury shall immediately be impaneled, and like proceedings shall thereupon be had as before. If two juries shall disagree the matter shall be continued to the next term of the court,

when it may again be called up and like proceedings had thereon. If the three juries shall disagree the proceedings shall be dismissed. No appeal from its judgment of condemnation shall be allowed, but the supreme court may view such judgment upon a writ of *certiorari* sued out within thirty days after the entry of judgment, and not thereafter.

Costs of proceedings, how paid; party answering if successful entitled to attorney's fees.

SECTION 7. The costs of the foregoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands in question to the public use, or if the proceedings shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred, and taxable attorney fees not to exceed twenty-five dollars.

Proceedings deemed abandoned unless within one year city causes damages to be assessed.

SECTION 8. If the city shall not within one year after the entry of the judgment of condemnation cause the benefits and damages by reason of such condemnation to be assessed as provided in this chapter, and shall not have in the proper fund available for that purpose a sum sufficent to pay the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned. At the expiration of one year after the entry of such judgment the clerk shall upon demand furnish to the mayor or to any person who shall require it, a certificate showing whether or not at the end of such year in any fund of the city available for that purpose a fund sufficient to pay such excess of damages over benefits and such certificate shall be *prima facie* evidence of the facts therein certified. If it shall appear that there is in any fund of said city a sufficient sum available for that purpose at the expiration of such year or at any time prior thereto, and after such assessments of benefits and damages shall have been made and confirmed, the city may take possession of the lands condemned, and an order on the city treasurer shall be issued as in other cases in favor of the person in whose favor any excess of damages over benefits shall have been assessed upon the certificate of the city attorney that such is entitled to receive the same. If the attorney shall refuse to give any such certificate the party or parties claiming the same may apply

to the circuit court at the foot of the judgment of condemnation for a decision awarding such amount to him or them, and upon such application and eight days' notice thereof to the city attorney the court shall proceed in a summary manner to enquire as to the rights of the parties in the premises, and may make up an issue upon such application and submit the same to a jury in the proper case, and shall make and file a decision in writing as to who is entitled to draw the amount in controversy, and in filing a certified copy of such decision with the city clerk an order shall be issued in accordance with such decision. If any two or more parties shall claim the same sums or if the city attorney shall be in doubt as to whom such sum should be paid he may in like manner apply to the court at the foot of the judgment of condemnation for a decision as to the rights of the parties in respect for said sum, and upon such application and eight days' notice thereof to the parties interested, the court shall proceed in like manner to ascertain and decide who is entitled to said sum or any part thereof, and the city treasurer shall in like manner pay the same out upon and according to such decision. An appeal from any such decision may be taken to the supreme court by any party interested therein including the city, within thirty days after the filing of the same; and such sum shall not be paid while such appeal is pending nor until the matter shall be finally determined, such appeal shall be taken upon like notice and untertaking as an appeal from an order in a civil action, and like proceedings shall be had thereon in the supreme court and the circuit court.

Person having lien or other interest in land shall receive just portion of award.

SECTION 9. If any person, not the owner of the land condemned, shall have a lien thereon, or a leasehold, or other interest therein, such person shall receive a portion of the excess of damages over the benefits awarded by reason of such condemnation in proportion to the lien or interest he may have had in the land condemned, to be ascertained upon the principles of equity, and if the parties cannot agree, the matter may be decided by the court at the foot of the judgment of condemnation upon the application of a party, or the city attorney, as provided in section eight. The

term, "excess of damages over benefits," shall, when used in this act, be construed to include any sum which shall be assessed as damages, and not offset by an assessment of benefits, as well as the balance in favor of a party in whose favor damages have been assessed and against whom benefits have been assessed.

Title to lands condemned for school sites or other buildings to be in city. In other cases city takes only easement.

SECTION 10. When any land shall be condemned under this chapter for public ground or sites for schools or other buildings, the city shall take a fee-simple title to the lands so condemned. In all other cases the fee shall remain in the owner, his heirs and assigns, and the city shall take by the condemnation only, such an interest in the land as shall be necessary and convenient for the uses and purposes for which it is condemned.

Proceedings no bar to subsequent proceedings.

SECTION 11. Condemnation proceedings under this chapter shall in no case be a bar to subsequent proceedings for the condemnation for the same premises or any part thereof for the same or a different purpose, and the same land may be condemned more than once for different purposes, each consistent with the other.

Where street or alley changed so much old street or alley not included in new deemed vacated.

SECTION 12. When a street or alley shall be changed by proceedings under this chapter so much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceedings, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

Council shall direct board of public works to assess damages and benefits; action of council thereon.

SECTION 13. It shall be the duty of the common council within three months after any judgment of condemnation shall have been entered to adopt a resolution directing the board of public works to make an assessment of damages by reason of such condemnation, and in the case of condemnation for opening, widening, extending or changing streets or alleys and for opening public grounds, parks and cemeteries the common council may also direct the board of public works to make an assessment of benefits; such resolution shall be certified by the city clerk to the board of public works immediately after its adoption and approval. When such assessment shall have been made and reported to the common council that body may, by resolution, confirm

the same or refer the matter back to the board of public works for a new assessment, or may by resolution abandon the condemnation proceedings. If the common council shall for more than three months after the entry of a judgment of condemnation neglect to order an assessment of damages, or benefits and damages as the case may be, the condemnation proceedings shall be deemed to have been abandoned, and if the common council shall not within one year after the entry of judgment of a condemnation confirm an assessment of damages or of benefits and damages and make provision for paying the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned.

Proceedings of board in assessing damages and benefits.

SECTION 14. When the city clerk shall have certified to the board of public works the resolution of the common council requiring an assessment of damages, or benefits and damages to be made under this chapter the said board shall immediately proceed to assess the damages by reason of the condemnation mentioned in such resolution as follows: Opposite each description of the land condemned the board shall set down in a separate column the damages sustained by the owner by reason of the taking of the land. The damages, if any to the adjoining property of the same owner; and the total damages; and in cases wherein benefits may be assessed, benefits which will in their judgment accrue to the lands in the vicinity of the condemned lands by reason of the condemnation in question, the excess of damages over benefits and the excess of benefits over damages; each such sum being set opposite the proper description. No benefits shall be assessed against any lots, parcel or subdivision, every part of which shall be one thousand feet or more distant from the nearest land condemned, and no benefits exceeding five *per cent.* of the assessed value thereof according to the last assessment roll shall be assessed against any lot, parcel or subdivision by reason of any one condemnation proceedings; and no benefit exceeding three *per cent.* of the assessed value thereof according to said assessment roll shall be assessed against any lot, parcel or subdivision, the whole of which is more than five hundred feet distant from the nearest

land condemned by reason of any one condemnation. In assessing such damage or damages and benefits the board of public works shall proceed as in case of benefits and damages on account of public improvements, giving like notices and like opportunities for correction and reporting the assessment to the common council in like manner.

Benefits to be assessed on lots and entered on tax roll by city clerk.

SECTION 15. When such assessment shall be confirmed by the common council the city clerk shall transmit the same to the common council, who shall thereupon report to the clerk a list of special taxes to be entered in the tax roll on account thereof, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax, and shall be collected the same as other taxes.

Costs of condemnation, how paid.

SECTION 16. The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnation for streets and alleys, and public grounds less than five acres in extent, which shall be paid out of the ward fund or funds of the proper ward or wards, and the cost of condemnation for other purposes as to which there are special funds, such as the water fund, or sewerage fund, if any, shall be paid out of such funds; and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid.

City may condemn land under provisions of R. S. 1878.

SECTION 17. The city of Marshfield may at its option condemn land for any of the purposes mentioned in the first section of this chapter, either under the provisions of section 927 and sections 895 to 904, inclusive of the revised statutes of 1878, and the acts amendatory thereof, or under the foregoing provisions of this chapter.

Appeals from assessments of damages or benefits or both.

SECTION 18. Any party aggrieved by any assessment of benefits or damages or both may appeal to the circuit court therefrom within the time, in the manner and upon the security prescribed in appeals from assessments of benefits and damages on account of public improvements and like proceedings shall be had thereon. Such appeal shall not affect any special tax levied on account of an excess of benefits over damages, but the

amount recovered by the appellant properly applicable in reduction of such assessment and the cost, if any, shall be paid out of the proper fund; also the amount recovered by way of increasing any damages assessed, or for damages when none have been assessed, with the costs if any.

CHAPTER XIV.

MISCELLANEOUS.

Contracts; when to be let to lowest bidder.

SECTION 1. All work and contracts exceeding fifty dollars in value, for the city or wards including all printing and publishing shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract.

Money to be paid out only as expressly authorized.

SECTION 2. No moneys shall be paid out or appropriated for any purpose whatever except such as are expressly authorized by this act, and by a majority vote of all the members of the council.

Inhabitancy of city not to disqualify judge, justice or juror.

SECTION 3. No person shall be incompetent to act as judge, justice of the peace, witness or juror by reason of his being an inhabitant of the city in any action or proceedings in which the city shall be the party in interest.

General laws for government of cities etc.; assessment and collection of taxes, etc.; to be in force in city.

SECTION 4. The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, and punishment of offenders, the collection of penalties, and the manner of conducting elections, shall be enforced in the city of Marshfield, except as otherwise herein provided.

General laws relative to bribery, etc.; to be in force in city.

SECTION 5. The general laws of the state of Wisconsin for the punishment of bribery, misdemeanors and corruption in office, shall be enforced and shall apply to all officers elected or appointed in said city under the provisions of this act.

Property of inhabitants not to be levied upon for debt of city.

SECTION 6. No real or personal property of any inhabitants of the city, or of any corporation thereof shall be levied on to be sold by virtue of an attachment or execution issued to satisfy any contract, debt or obligation of said city, or for any judgment against said city, nor shall any

person or corporation be held liable as garnishee of said city.

Forms.

SECTION 7. The use of any forms prescribed by the revised statutes of the state and acts amendatory thereof as far as the same are applicable shall be legal and of the same force and effect as the use of the forms prescribed in this act.

Claim against city once disallowed not to be again considered or allowed.

SECTION 8. In case any person shall present a claim or demand against said city, and the common council of said city shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim.

City marshal.

SECTION 9. The city marshal shall be known as such, or as chief of police in the discretion of the common council, and he shall have command of any police in said city under the direction of the mayor.

Opinions of city attorney.

SECTION 10. The opinions of the city attorney shall be filed with the clerk and recorded in a book to be kept for that purpose.

Ordinance book; what to contain.

SECTION 11. The city clerk shall keep a book to be known as an ordinance book, in which he shall enter at length, in a plain and distinct hand writing, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage, and the page of the journal containing the record of the final vote upon its passage, and also the name of the paper in which said ordinance was published, and the date of said publication, together with the proof of publication. The ordinance may be proved by the certificate of the clerk, under seal of the city, and when printed or published in pamphlet form, and purporting to be published by the authority of the city, shall be read and received in all courts and places as evidence of its adoption.

Ordinances now in force shall continue to be in force.

SECTION 12. The ordinances now in force in the city of Marshfield at the time of the passage of this act, shall continue to be in force, and be the ordinances of said city so far as the same are not inconsistent with the provisions of this act, until amended, altered or repealed.

Revised statutes to control when officers' duties not herein prescribed.

SECTION 13. In case of the failure to prescribe the duties of any officer elected or appointed under the provisions of this act, the provisions of the revised statutes and acts amendatory thereof, so far

as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

SECTION 14. When any heinous offense or crime has been committed against life or property within the city, the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense. Rewards for apprehension of criminals.

SECTION 15. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by two-thirds vote of the aldermen-elect, except in case of fines imposed for the violation of any city ordinance when the mayor in his discretion may remit the same. Judgment in favor of city not to be remitted; exceptions.

SECTION 16. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, and may cause to be established such permanent landmarks as it may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds in the county of Wood. Surveys of boundaries of streets, alleys, sidewalks, etc.

SECTION 17. The survey of land marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy in all courts in this state. Survey to be prima facie evidence of lines and boundaries.

SECTION 18. The common council may at such times as it may deem proper, establish the grade of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Wood county, and should the grades so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot, or parcel of land, or tenement which may be affected or injured in consequence of the alteration of such grades. Establishment of grades of streets, alleys and sidewalks.

SECTION 19. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act. Real estate not exempt from special taxation.

Manner of platting city lots.

SECTION 20. Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Marshfield who may desire to subdivide or plat the same into city lots shall in platting the same cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys of the lots and blocks in said city adjacent to said lot or tract so platted, and before making such plat as required by law it shall be the duty of such person or persons or corporations making such plat to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council the said person or persons, or corporation, may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which duly certified by said clerk shall be affixed to, or entered on such plat, it shall not be lawful for the register of deeds of the county of wood, or any other county, to receive such plat for record or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum of not less than one hundred nor more than five hundred dollars, and the register of deeds who shall record such plat without a copy of the resolution approving the same being entered on or affixed thereto shall forfeit a sum not less than fifty nor more than five hundred dollars.

Form of deeds or leases.

SECTION 21. When the city of Marshfield deeds or leases any real estate or any interest therein owned by the said city the party of the first part shall be the city of Marshfield, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor may execute deeds or leases.

SECTION 22. The mayor of said city is hereby authorized when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, countersigned by the city clerk and sealed with the corporate seal of

said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Ordinance authorizing same to be attached to deed or lease.

SECTION 23. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copies so attached and records thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Election not held at time herein prescribed may be held at another time.

SECTION 24. If any election by the people for the common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinance or by-laws or regulations of said city to be done by any officer at any specified time, and the same are not done or performed, the common council may appoint another time at which said act may be done and performed.

General law conflicting herewith not to repeal same unless so expressly stated.

SECTION 25. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same unless such purposes be expressly set forth in such laws as an amendment of this chapter.

Council may appropriate a sum not exceeding five hundred dollars to any public purpose.

SECTION 26. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose that may be deemed proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen-elect.

Council may grant waterworks franchise to any person, company or corporation; question of purchase of same to be submitted to vote of people.

SECTION 27. The common council of said city may grant to any persons, company or corporation, the full right and privilege and empower and authorize such persons, company or corporation, to build for themselves and own water works in the city of Marshfield, to maintain, operate and regulate the same, and, the said city may by contract, rent fire hydrants of such persons, company or corporation for such period and upon such terms, conditions and limitations as its common council

in its discretion may determine, and in that event a sufficient tax may annually be asssessed, levied and collected upon all real and personal property within said city, except such as may be exempt by the laws of this state, to meet the payment for rent of fire hydrants, which said tax when so collected, shall be kept as a separate fund to be known as the "fire hydrant fund." But before the city shall purchase such water works, the question shall be submitted to a vote of the qualified voters of said city, being resident freeholders, and a majority of said voters shall have voted for the purchase.

Public act and liberally construed.

SECTION 28. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealing clause.

SECTION 29. All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1891.

No. 559, A.] [Published April 8, 1891.

CHAPTER 162.

AN ACT to amend chapter 384, laws of 1889, amendatory to the city charter of Marinette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 183, laws of 1889.

SECTION 1. Section 4, of chapter 3, of chapter 183, of the laws of Wisconsin for the year 1889, entitled, "An act to amend chapter 119, of the laws of Wisconsin for the year 1887," entitled, "An act to incorporate the city of Marinette," be and the same is hereby amended to read as follows: Section 4. The mayor, at the first or second meeting of the common council after the charter election in each year and as often there-

Mayor to appoint certain officers.

after as a vacancy shall occur, shall appoint, subject to the approval of the common council, all the appointive officers of said city.

Amends chapter 183, laws of 1889.

SECTION 2. Section 8, of chapter 5, of said act, is hereby amended so as to read as follows: Section 8. All the general laws of this state which are now or may be hereafter in force, relative to the assessing, levying or collection of taxes, and to the sale of lands for unpaid taxes shall be in force in said city, except as otherwise herein especially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city at the same time and in the same manner as is required by law of town treasurers to collect taxes. All delinquent taxes and all unpaid assessments shall in like manner be returned to and collected by the county treasurer, and all such assessments when so collected shall be accounted for by him and paid over to the city treasurer on demand; but the sums included in said return as collection fees shall, when collected, be paid over to the city treasurer and by him placed in the general fund of the city for the use and the benefit of the city. The city treasurer shall charge, collect and receive, for the use of said city, from the taxpayer as fees for the collection of taxes and assessments, two *per cent.* of all sums collected by or paid to him, as such treasurer, prior to the tenth day of January in each year, and five *per cent.* on all taxes and assessments collected by or paid to him after said day and before his return to the county treasurer. Upon the receipt of the tax roll the city treasurer shall, in addition to the notices required by law publish a notice in the official newspaper of the city, that all taxes and assessments, whether upon real or personal property in said tax roll, shall be paid on or before the tenth day of January next ensuing at his office in said city, and that thereafter he shall proceed to collect the taxes charged in such roll and remaining unpaid. The treasurer of the city of Marinette shall receive as his compensation the yearly salary of twelve hundred dollars in lieu of all other fees, in full for all services.

General laws relating to taxes to be applicable to city.

Amends chapter 183, laws of 1889, as amended.

SECTION 3. Section 3 of chapter 7, of said chapter 183, as amended by chapter 384 of the laws of Wisconsin for the year 1889, entitled. "An act

to amend chapter 183, of the laws of Wisconsin, for the year 1887," entitled, "An act to incorporate the city of Marinette," is hereby amended to read as follows: Section 3. The cost and expense of surveying streets, alleys, sidewalks and sewers, and of estimating work thereon, and of constructing and repairing public wells and reservoirs, shall be chargeable to and payable out of the general fund of the city. Whenever the city gravels, macadamizes, planks, paves or curbs any street or alley, excepting street crossings, each lot or part of a lot abutting on such street or alley shall be charged with one-fourth of the cost of such graveling, macadamizing, planking, paving or curbing of such part of said street or alley as lies between such lot, or part of lot and the opposite side of such street or alley. The mayor, street commissioner and city clerk shall constitute a board to compute the amount chargeable to each lot or part of lot, under the provisions of this section. They shall, on or before the first Monday in November in each year, make a detailed report in writing, signed by them, certifying to the common council the amount of assessment chargeable to each lot or part of lot, under the provisions of this section, and such amount shall be levied by the common council as a special assessment on such lot or part of a lot.

Cost of surveying streets, etc., payable out of general fund.

Amends chapter 183, laws of 1889.

SECTION 4. Section 8, of chapter 7, in the preceeding section mentioned, is hereby amended so as to read as follows: Section 8. The cost and expense of surveying and establishing all public sewers and their appurtenances and of estimating work thereon, shall be paid out of the general fund of the city. Whenever the the city shall build or construct any sewer, each lot or part of lot abutting on the street or alley in which such sewer shall be built, shall be charged with one-fourth the cost and expense of building a twelve inch sewer opposite such lot or part of lot; provided, however, if said sewer is of less dimension than twelve inches, each lot or part of a lot as aforesaid shall be charged with one-fourth the cost and expense of building a sewer of the less dimension; and provided, further, that any lot or part of lot abutting or lying on two or more streets which has been charged with and paid its

Cost and expense of surveying and establishing sewers to be paid out of general fund; cost of building sewers, how paid.

portion of the cost of constructing a sewer on one of such streets as herein provided shall be chargeable with but one-eighth of the cost, according to the rule above stated, of constructing such part of said second or third sewer as lies opposite to it in any other street on which it lies or abuts. The mayor, street commissioner and city clerk shall constitute a board to compute the amount chargeable to such lot or part of lot under the provisions of this section. They shall, on or before the first Monday in November in each year, make a detailed report in writing, signed by them, certifying to the common council the amount of assessment chargeable to each lot or part of lot under the provisions of this section, and such amount shall be a lien upon, and shall be levied by the common council as a special assessment on such lot or part of lot for sewerage purposes.

Amends chapter 183, laws of 1889.

SECTION 5. Section 8 of chapter 13, of said chapter 183 of the laws of Wisconsin for the year 1889, is hereby amended so as to read as follows: Section 8. In all prosecutions under this chapter the finding of the court or jury shall be guilty or not guilty, as the case may be; if guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, contained in the ordinance or regulation for the violation of which the defendant shall have been adjudged guilty, and for the costs of the suit, but if not guilty, the costs shall be taxed against the city, except when the state of Wisconsin is a party, then the costs shall be taxed against the county of Marinette. Upon conviction, in all cases where the city is a party under this act, upon the non-payment of such judgment the court may forthwith issue an execution as in case of tort; and shall determine and enter upon the docket the length of time the defendant shall be imprisoned in the county jail or city prison, which in no case shall exceed six months, and also insert such time in the execution or commitment. The exemption of the person of females from execution provided for in section 3681 of the revised statutes of Wisconsin, shall not extend to cases under this chapter. Such execution may be in the following form:

Judgment on finding.

Form of execution.

State of Wisconsin,
City of Marinette, } ss.
County of Marinette.

To the sheriff of the county of Marinette, or the chief of police or any policeman of said city, and to the keeper of the common jail of the county (or to the keeper of the city prison as the case may be), greeting:

Whereas, the city of Marinette on the ..... day of ..... A. D., 18...., recovered a judgment before ....., a justice of the peace of said city against ....., for the sum of ..... dollars, together with ..... dollars, costs of suit, for a violation of an ordinance (by-law. regulation or law, describing the same and setting forth the offense), these are therefore, in the name of the state of Wisconsin and the city of Marinette to command you to levy distress of the goods and chattels of said ..... except such as the law exempts, and make sales thereof, according to law in such cases made and provided, to the amount of said judgment, together with your fees. and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, take the body of said ..... and him convey and deliver to the keeper of the common jail in Marinette county (or to the keeper of the city prison as the case may be), and said keeper is hereby commanded to receive and keep in custody in said jail (or city prison), the said ..... for the term of ..... unless said judgment, together with all costs and fees are sooner paid, or he, (or she) be discharged by due course of law.

Given under my hand this .... day of ...., 18..

....., ...,
Justice of the Peace.

And on conviction in all actions brought pursuant to the provisions of this act, on the nonpayment of the judgment, fine, penalty or forfeiture therein adjudged, the defendant in such action shall be committed to the common jail of Marinette county (or the city prison of the city of Marinette), in the discretion of the justice until such judgment, fine, penalty or forfeiture and all costs are paid, or until discharged by due course of law; provided, always that it shall be competent for the justice, in case the defendant

shall be committed to the city prison, to impose hard labor, within the city limits, in addition to imprisonment, and the common council shal·, by ordinance, regulate the mode and manner of performing such labor, and designate the officer or officers who shall have charge of such prisoners, and the form of the commitment may be varied accordingly; provided, however, that no females convicted or found guilty of any offense under the provisions of this act shall be sentenced to hard labor.

Amends chapter 183, laws of 1889.

SECTION 6. Section 4 of chapter 11, of said chapter 183, of the laws of Wisconsin for the year 1889, is hereby amended so as to read as follows: Section 4. A board of cemetery trustees composed of three freeholders and electors of said city shall be appointed by the mayor, subject to the approval of the common council. On the first appointment, one shall be appointed for one year, one for two years and one for three years; and thereafter such trustees shall be appointed for the term of three years, except in the case of a vacancy, when the appointee shall be appointed only for the unexpired term of the trustee whose vacancy is to be filled. The mayor shall, during the month of April, in each year, appoint, subject to the approval of the common council, one trustee to succeed the trustee whose term of office expires during such year, provided, that the power of appointment herein conferred shall extend only to the filling of vacancies, and the appointment of successors to the present members of said board of trustees. The provisions of this act, relating to the removal by the mayor of appointive officers, shall apply to cemetery trustees. The common council shall make and pass all necessary ordinances and by-laws for the regulation of said board and shall prescribe their powers and duties.

Board of cemetery trustees to be appointed by mayor.

Amends chapter 183, laws of 1889.

SECTION 7. Subdivision 14 of section 2 of chapter 4 of said chapter 183 of the laws of 1889, is hereby amended so as to read as follows: 14th. To regulate and license runners and solicitors for railways, steamers, vessels, stages, omnibuses, public houses, or other establishments, and to establish and regulate the police force of the city, and to prescribe the duties of policemen, watch-

Council may license runners and solicitors for public houses, steamers, etc.

men, harbor masters and bridge tenders, and fix their compensation.

Amends chapter 183, laws of 1889.

SECTION 8. Another section is hereby added to chapter 3, of said chapter 183, of the laws of 1889, to be known as section 17, and to read as follows:

Removal of appointive officers.

Section 17. Any appointive officer of said city may be removed at any time by the mayor; and in case of such removal, it shall be the duty of the mayor forthwith to appoint some suitable person to act in the place of the officer so removed until a permanent appointment shall have been made by the mayor and confirmed by the common council. The person so appointed shall execute and give a bond, with sufficient sureties to be approved by the mayor, to the city for the faithful performance of his duties, and at the first meeting of the common council after the removal of any such appointive officer, the mayor shall present the name of some person to fill the vacancy caused by such removal, and in case the common council shall fail to confirm such appointment, the mayor shall, as often as such failure to confirm shall occur, at the next meeting of the common council thereafter, present to the common council the name of some other person to fill the vacancy until an appointment so made shall be duly confirmed by the council. All removals shall be in writing and filed in the office of the city clerk, and notice thereof served upon such removed officer personally, if to be found within the county, within twenty-four hours after such removal.

Repealing clause.

SECTION 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 10. This act shall be in force from and after its passage and publication.

Approved April 4, 1891.

No. 690, A.] [Published April 8, 1891.

CHAPTER 163.

AN ACT amending the charter of the city of Antigo.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 7, of title 2, of said chapter 197, is hereby amended by striking out the words "supervisor or alderman," so that said section when amended shall read as follows: Section 7. Whenever any vacancy shall occur in the office of mayor, such vacancy shall be filled by new election, to be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected to fill any such vacancy shall hold his office and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person to whose office he may be elected or appointed to fill.

Amends chapter 197, laws of 1889.

Vacancies in office of mayor, how filled.

SECTION 2. Section 60, of title 6, of said chapter 197, of the laws of 1889, is hereby amended so as to read as follows: Section 60. The city treasurer shall receive a salary not to exceed four hundred dollars *per annum* to be fixed by the common council, which shall be compensation in full for all services rendered by him as such treasurer. All sums received by the treasurer as fees shall be paid by him into the general fund of the city. He shall collect a fee of one *per centum* upon the amount of taxes collected by him prior to the first day of February, and for all taxes paid to him after the first day of February he shall collect a fee of two *per centum.*

Amends chapter 197, laws of 1889.

Salary of city treasurer.

SECTION 3. Title 14 of said act is hereby amended by adding thereto a new section numbered 149a, as follows: Section 149a. The laws of the state for the relief and support of the poor in towns shall apply to said city of Antigo, and the common council shall appoint at least two of

Amends chapter 197, laws of 1889.

Poor laws in force in towns shall be in force in city.

its members, who, with the mayor, shall act as a poor board, with the mayor as president thereof; such board shall be governed by such rules as the common council may prescribe, and in respect to the poor of the city shall have the same powers, be subject to the same liabilities and governed by the same laws as supervisors of towns.

Amends chapter 197, laws of 1889. Street commissioner; his powers and duties.

SECTION 4. Section 73 of said chapter 197, of the laws of 1889, is hereby repealed and the following substituted therefor: Section 73. The common council of said city shall annually elect some suitable person street commissioner for the city of Antigo, who shall be ranked with the appointed officers and subject to removal in the same manner, and by resolution provide for and fix his annual salary and prescribe his powers and duties, and the said street commissioner shall at all times be under the control of said common council, and no act or contract done or made by him shall be valid or binding upon or against the city unless authorized by the common council. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, and water-courses, within the city are duly observed and kept, and direct and control the persons employed thereon. The street commissioner shall have general supervision over all works let by contract for the improvement of streets or sidewalks, lanes or alleys, unless the common council shall otherwise provide. The commissioner shall at the first regular meeting in every month, report in writing to the common council, which report shall be attested by his affidavit, and shall show the labor and the names of the laborers employed, and material used and the cost of the same, for what purpose and of whom purchased, the names or locality of the streets, sidewalks, lanes or alleys upon which the same were employed or used, and the amounts due the respective persons for such labor or materials. Before purchasing any material he shall furnish an estimate thereof to the chairman of the street committee, who shall if he approves, endorse the same, and said estimate so endorsed shall be his authority for the ordering of such material. And the street commissioner shall also perform all the acts and du-

ties imposed upon him, or prescribed by any ordinance or resolution of the common council, and the said commissioner shall, at all times be under the direction and control of the common council, and shall expend no more money upon streets, sidewalks, etc., than the common council may, from time to time, order, and at such place or places, and upon such street or streets, and to such an amount as shall be ordered by the common council.

SECTION 5. Section 48 of said act is hereby amended by inserting after the word "limits" in the 21st line of said section the words "and on Superior street from the southern to the northern city limits," so that said section when amended shall read as follows: Section 48. The common council shall, at its second regular meeting after election each year, levy upon each male inhabitant within the corporate limits of said city, not by law exempt, a poll tax not exceeding the sum of one dollar and fifty cents, *per capita*, which tax shall be collected in the same manner as a poll tax under the general laws of the state, and shall be expended in the improvement of streets, roads, alleys and cross walks, in said city. At such second regular meeting the common council shall also appropriate such sum in the aggregate as it shall deem necessary, and cause the same to be collected in the annual tax for the ensuing year, such sum to be expended upon the streets, bridges and alleys in said city during the year. Out of the gross amount so appropriated the council shall set apart a certain sum or amount, not exceeding one-fourth thereof, to be expended by and under the direction of the council, on Fifth aveune, from the western to the eastern city limits, and on Superior street from the southern to the northern city limits The balance of the money so appropriated shall be apportioned to the several wards according to the taxable property therein for the preceding year.

Amends chapter 197, laws of 1889.

Poll tax.

SECTION 6. Section 55 of said act is hereby repealed.

Repeals sec. 55, of chapter 197, laws of 1889.

SECTION 7. Section 70 of said act is hereby amended by striking out the words "in each ward," where they occur in the second and third and last lines of said section.

Amends chapter 197, laws of 1889.

Repealing clause.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act are hereby repealed so far as they conflict with the provisions of this act.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1891.

No. 222 S.] [Published April 11, 1891.

CHAPTER 172.

AN ACT to amend the charter of the city of Plymouth and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeals certain sections of chapter 220, laws of 1885.

SECTION 1. Sections 1, 2, 3, 4, 5 and 6, of chapter 230, of the laws of Wisconsin for the year 1885, entitled, "An act to amend the charter of the city of Plymouth," are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1891.

No. 139, A.] [Published April 11, 1891.

CHAPTER 180.

AN ACT to amend sections 3 and 5 of chapter 7, of the charter of the city of Milwaukee, being chapter 184, laws of 1874, entitled, "An act to revise and consolidate the charter of the city of Milwaukee, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws 1874, as amended.

SECTION 1. Section 3 of chapter 7, of the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee," approved February 20th, 1852, and the several acts amendatory thereof, is hereby amended by adding after the words "improvement upon streets," the following: Except the repairs of the docks in front of lots or parts of land along the banks of rivers and navigable canals in said city, which expense shall be made a lien and charge upon the lots and parcels of land extending to and abutting on said rivers and canals respectively, so that when amended it shall read as follows: Section 3. The construction and keeping in repair of the docks in front of lots or parcels of land along the banks of rivers and public navigable canals in said city, and the dredging of said rivers and canals to a width of fifty feet from their dock lines towards their centers, shall be chargeable to and payable by the lots or parcels of land so fronting; and after a river or public navigable canal in the city of Milwaukee has been properly docked conformably to specifications on file in the office of the board of public works of said city, and has been dredged to a depth of sixteen feet below the level of the Milwaukee river, as it was in the month of March, 1836, and to a width of fifty feet from its dock line towards its center, in compliance with the order of the proper city authorities, and at the expense of the

Construction and repair of docks.

lots or parcels of land abutting thereon, and has been duly accepted by the said city engineer as complying with the above requirements, the expense of re-dredging such rivers or canals to a width of fifty feet from such dock line to its center, shall be charged to, and paid out of the general city fund of said city of Milwaukee, and said board shall have the same authority over said rivers and canals, and lots or lands fronting thereon, as they have over streets and lots or lands fronting thereon, and shall be governed by the same rules in respect thereto as in cases of improvements upon streets except repairs of the docks in front of lots or parts of land along the banks of rivers and navigable canals in said city, which expenses shall be made a lien and charge upon the lots and parcels of land extending to and abutting on said rivers and canals respectively; provided, that dredging chargeable to lots and lands fronting on said rivers and canals shall be ordered and done by said city only when the middle portion of such rivers and canals respectively shall have been dredged or shall be dredged at the same time by the city; and provided, further, that no part of the cost of construction of any of the public navigable canals in said city shall be chargeable to said city or to any ward thereof, but the whole cost of such construction shall be chargeable exclusively to the lots and land abutting thereon.

Amends chapter 184, laws of 1874, as amended.

SECTION 2. Section 5 of said charter and chapter, is also hereby amended, by inserting after the words "improved streets," the following: "To make the expense of reconstructing and repairing the docks of the rivers and canals in said city, and so much of the expense as is not chargeable to the city," so that the section as amended, shall read as follows: Section 5. The docking and dredging of the Milwaukee, Menomonee and Kinnickinnick rivers, and of the public canals in said city, after their construction, opposite to any street or to public grounds abutting thereon, and the dredging of the middle ground of said rivers, and of said canals after their construction, further than fifty feet from either dock line shall be done at the cost of the city. The board of public works, subject to the approval of the common council,

Cost of docking and dredging, how paid.

shall have the power and are hereby authorized and it shall be their duty when ordered thereto by the common council, without petition in that behalf, to cause the Milwaukee, Menomonee and Kinnickinnick rivers, or any portion thereof, to be docked and dredged, and to proceed therein in like manner as in cases of grading and improving streets, to make the expense of re constructing and repairing the docks of the rivers and canals in said city, and so much of the expense as is not chargeable to the city a lien and charge upon the lots and parcels of land extending to and abutting on said rivers respectively.

Repealing clause.

SECTION 3. All acts and parts of acts in conflict with the provisions of this act are hereby modified, superseded or repealed to the extent that the true intent and meaning of this act may be carried into effect.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1891.

No. 140, A.] [Published April 11, 1891.

CHAPTER 181.

AN ACT to amend subsection 6, of section 3, of chapter 4, of chapter 184, of the laws of 1874, being "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874.

Abatement of unwholesome places.

SECTION 1. Subsection 6, of section 3, of chapter 4, of chapter 184, of the laws of 1874, is hereby amended so as to read as follows: 6. To compel owners or occupants of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, sewer connection or other unwhole-

some house or place, to cleanse, remove, construct, re-construct, abate or locate the same in such place and from time to time as often as it may be deemed necessary, for the health, comfort and convenience of the inhabitants of said city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1891.

No. 288, A.] [Published April 11, 1891.

CHAPTER 183.

AN ACT to amend section 4 of chapter 13 of chapter 184 of the laws of 1874, entitled, "An act to revise consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874.

SECTION 1. Section 4 of chapter 13 of chapter 184 of the laws of 1874, entitled, an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, as amended by chapter 470 of the laws of 1885, is is hereby further amended so that said section as amended shall read as follows: "Section 4. The commissioner of health shall give such directions and adopt all such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of any wells, cisterns, privy-vaults, urinals, sinks, slop-hoppers, defective plumbing or any sewer connection and of all nauseous substances producing a disagreeable smell or tending to cause sickness or disease, as in his opinion may be deemed necessary; and he may do or cause to be done whatever in his judgment shall be needful to carry out such measures for the preservation of the public health. Any person who shall disobey any order of the commissioner of health, which shall have

Commissioner of health to cause unwholesome places to be cleansed.

been personally served upon him requiring him to abate or remove any nuisance or to cleanse or purify any premises owned or occupied by him in the manner or at the time described in the order shall on complaint of the commissioner of health or any persons serving such order before the municipal court of said city, be liable to arrest and summary trial and punishment by fine, not exceeding five hundred dollars ($500), or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1891.

No. 501, A.] [Published April 11, 1891.

CHAPTER 189.

AN ACT fixing the salary of the deputy city clerk of the city of Milwaukee, and amendatory of the charter thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The salary of the deputy city clerk of the city of Milwaukee is hereby fixed at the sum of eighteen hundred dollars *per annum*. Salary of city clerk.

SECTION 2. This act is amendatory of the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, and the various laws amendatory thereof, and any of the provisions thereof, inconsistent, or in conflict with the provisions of this act are hereby repealed. Amends chapter 184, laws of 1874.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Aprroved April 6, 1891.

No. 513, A.] [Published April 11, 1891.

CHAPTER 190.

AN ACT to amend section 17, of chapter 18, of chapter 184, of the laws of 1874, (being the charter of the city of Milwaukee), and all acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874.

SECTION 1. Section 17, of chapter 18, of chapter 184, of the laws of 1874, (being the charter of the city of Milwaukee) and all acts amendatory thereof is hereby further amended so as to read as follows: Section 17. After the assessment roll is completed, the rate of taxation is fixed, the taxes are extended and the tax roll is placed in hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul, or cancel any tax charged against any real or personal property, except in the following specified cases:

Council may remit, cancel or annul tax, when.

1st. When a clerical error has been made in the description or transfer of the property from the original assessment books to the tax roll, or in the extension of the tax.

2nd. When a clerical error has been made whereby any property in the city becomes wrongly charged or assessed with certificates of board of public works, or with special taxes for water pipe, sewers, street work and all other work or improvements.

3d. When improvements, by the erection of buildings, have been assessed on lots or lands where none had been made at the time fixed by law for making the assessments.

4th. When the tax is manifestly illegal and void by reason of the exemption of the property from taxation by law.

5th. When a person has been assessed the same year for the same personal property in more than one ward.

6th. When the same personal property has

been assessed the same year more than once in the city.

7th. When the tax is levied for, upon or on account of specific, tangible personal property or buildings, not in fact in existence, on the first day of May in the year of such levy.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1891.

No. 412, A.] [Published April 13, 1891.

CHAPTER 200.

AN ACT to amend chapter 151, laws of 1883, entitled, "An act to consolidate and amend the charter of the city of Wausau," and acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 6, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Amends chapter 151, laws of 1883.

Section 6. The elective officers of said city of Wausau shall be a mayor, a city clerk, a treasurer, three assessors, three justices of the peace, to be elected by the city at large, and in each ward one supervisor, who shall be a member of the common council of said city, and who shall also represent his ward in the board of supervisors of Marathon county, and be a member of such board, and one alderman who shall be a member of the common council of said city; in case of the absence or inability from any cause of the supervisor to attend any meeting of the county board, such alderman shall attend such meeting, and act as a member of such county board. One constable shall also be elected in each of the wards of said city. Each of said officers shall be quali- Elective city officers and their qualifications.

fied voters of said city, and the mayor shall also be a freeholder, and the aldermen and supervisors shall also be freeholders as well as voters in the ward from which they are elected. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council, except the police force, which shall be appointed by the mayor and confirmed by the council.

Amends sec. 151, laws of 1883.

SECTION 2. Section 10, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 10. The mayor and common council shall have power to fill all vacancies in any of the offices of said city, and may order special elections, under regulations to be prescribed by them by ordinance. And the common council shall have power to remove by a two-thirds vote any appointee of its own except the mayor.

Vacancies; removal of appointees.

Amends chapter 151, laws of 1883.

SECTION 3. Section 23, chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 23. The common council shall also, at its first meeting for organization, each year, after its annual election, choose, by ballot, a street superintendent. The street superintendent shall see that all ordinances of the city, relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers in said city, are duly observed and kept, and to control the persons employed therein. He shall have the general supervision over all work let by contract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine. The common council may, in its discretion, divide the city in two or more road districts and choose a superintendent for each such district. And when so chosen such superintendents shall perform the duties and have the powers hereinbefore conferred in their respective districts. The common council shall also have power to provide by ordinance, that the repair and improvement of streets, alleys and public grounds and the keeping in repair of sidewalks in the respective wards shall be under the supervision of the supervisor and alderman of such

Street superintendent; his powers and duties.

wards, and the expenses thereof shall be borne by the wards respectively under such regulations as may be prescribed.

Amends chapter 151, laws of 1883.

SECTION 4. Section 27, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 27. The city of Wausau is hereby divided into three assessment districts, as follows: The First, Second and Third wards shall constitute the first assessment district; the Fourth and Fifth wards shall constitute the second assessment district, and the Sixth and Seventh wards shall constitute the third assessment district. In each of said districts, the electors of the city at large shall elect one assessor who shall be a resident of the district for which he is so elected. The said assessor shall assess the real and personal property in their respective districts, at the time and in the manner required by law, and they shall receive such compensation for their services, as provided by law for town assessors, unless other compensation shall be determined upon by the common council. The said assessors shall be members of the board of equalization for the city of Wausau, and perform such duties as are hereinbefore prescribed.

Assessment districts; assessors, their duties and compensation.

Amends chapter 151, laws of 1883.

SECTION 5. Section 35, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 35. The common council shall hold its first meeting on the second Tuesday of April next after their election and thereafter stated meetings at such time as it shall appoint. And the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members. The members of the common council shall receive no compensation as such. Provided, however, the common council shall have power to provide a compensation for members of the council when in the exclusive occupation of looking after the affairs of the city by order of the common council, not exceeding, however, two dollars per day.

Meetings of council.

Amends chapter 118, laws o 1885.

SECTION 6. Section 2 of chapter 118, laws of 1885, entitled "An act to amend an act to revise, consolidate and amend the charter of the city of

Mayor and council to have entire control of water works.

Wausau," is hereby amended so as to read as follows: Section 2. The mayor and common council of said city shall have power to control, regulate and manage the system of water works established in said city, and shall from time to time pass such ordinances as may be necessary or expedient for the management and control and protection of the water works of said city, and to regulate the supply and use of water therefrom. The mayor and common council shall have the entire charge and management of said water works, and may appoint a superintendent and other employes that may be necessary for that purpose, who may be removed at the pleasure of such mayor and common council. Such superintendent and other employes shall, under the direction of the mayor and common council, and in accordance with the ordinances of said city perform their duties. The mayor and common council shall fix the compensation of such superintendent and other employes.

Amends chapter 151, laws of 1883.

Council may appropriate sum not exceeding three thousand dollars to pay bonus to manufacturing industry locating in city. Proposition to be submitted to popular vote.

SECTION 7. Section 160 of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 160. The common council shall have power to appropriate, not exceeding three thousand dollars in any one year for the purpose of paying a bonus for the location of manufacturing establishments in the city of Wausau, or for the purpose of purchasing a site for the location of any public institution in said city. And the city of Wausau shall have power to subscribe for and take stock in any manufacturing establishment, located in said city in a sum not exceeding fifteen *per centum* of the capital stock of such institution; provided, however, before any such stock shall be subscribed for, the question of subscribing for the same shall first be submitted to a vote of the qualified electors of said city by the common council under such regulations as the common council shall prescribe and if a majority of the voters of said city voting upon said proposition vote in favor of the same, then such subscription may be made upon such terms as shall have been mentioned in the proposition submitted to the voters of said city.

Amends chapter 151, laws of 1883.

SECTION 8. Section 70, of chapter 151, laws of 1883, is hereby amended so as to read as follows: Section 70. Upon the presentation of such appli-

cation, and upon proof of the publication or service of the notice hereinbefore required, the said judge, or court commissioner, shall, thereupon, empanel a jury of twelve resident freeholders as in civil cases, triable by jury before a justice of the peace, to determine whether or not it is necessary to take the land proposed to be condemned for the public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court, at the expense of the city, and shall return into court as in such cases. The city attorney shall produce such evidence as he deems material as to the necessity for such condemnation and also evidence contesting such condemnation may be allowed. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either: "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding, for the public use," or, "We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding, for the public use." Upon the coming in of the verdict, judgment shall be entered condemning the land sought to be condemned to the public use for the purposes set forth in the petition, or dismissing the petition as the verdict shall require. If the jury shall disagree, a new jury shall be immediately impanelled and like proceedings shall thereupon be had as before; if three juries shall disagree, the proceedings shall be dismissed. No appeal from a judgment of condemnation shall be allowed, but the supreme court may review such judgment upon a writ of *certiorari* sued out within thirty days after the entry of judgment and not thereafter. A copy of the proceedings and verdict of the jury shall be filed with the city clerk, and recorded in the city records.

Appointment of jury to condemn lands for public use.

SECTION 9. Sections 71, 72 and 73, of chapter 151, laws of 1883, are hereby repealed and section 74, of said chapter is hereby amended so as to read as follows: Section 74. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and direct the same jurors within twenty days thereafter,

Amends chapter 151, laws of 1883.

Action of council on report of jurors.

or such future time as shall be necessary, to again view said premises for the purpose ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises, under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above; and all the jurors before entering upon the discharge of the duties in the premises, shall severally take an oath before some competent officer that they are ffee-holders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

SECTION 10. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

NOTE BY THE SECRETARY OF STATE: The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

T. J. CUNNINGHAM,
April 9, 1891. Secretary of State.

No. 385, A.] [Published April 16, 1891.

CHAPTER 208.

AN ACT to amend section three, of chapter 56, of the laws of 1882, relating to the ward boundaries of the city of Oconto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3, of chapter 56, of the laws of 1882 is hereby amended so as to read as follows: The said city shall be divided into five wards as follows: All that part of said city which lies east of Superior street and north of the Oconto river shall be called the First ward. All that part of said city which lies north of the Oconto river between Superior street and a line commencing at the bank of said river on the line between lots three and four of section nineteen, township twenty-eight, range twenty-two, and running thence north to the north line of said city shall be called the Second ward. All that part of said city which lies north of the Oconto river and west of the Second ward shall be called the Third ward. All that part of said city which lies south of the Oconto river and west of Elm street shall be called the Fourth ward, and all that part of said city which lies south of the Oconto river and east of Elm street, shall be called the Fifth ward.

Amends chapter 56, laws of 1882.

Wards and their boundaries.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1891.

No. 187, S.] [Published April 21, 1891.

CHAPTER 246.

AN ACT to amend chapter 54, of the laws of 1885, entitled "An act to incorporate the city of Viroqua."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 54, laws of 1885.

SECTION 1. Chapter 54, of the laws of 1885, entitled "An act to incorporate the city of Viroqua," is hereby amended by adding therto the following sections, to be known as sections 101 and 102.

Council may issue bonds for certain purposes.

Section 101. The common council of the city of Viroqua shall have authority to issue bonds for the following purposes only:

1. Building public buildings for the use of the city.
2. Purchase of apparatus for fire protection.
3. Construction of bridges and the improvement of streets and alleys.
4. Water works.
5. Public parks.
6. Refunding municipal indebtedness.

Provided, that no such bonds shall be issued unless authorized by ordinance, adopted by a vote in favor of the same of at least three-fourths of all the members of the common council-elect, said vote to be at a regular meeting, not less than one week after the proposed ordinance shall have been published in the official paper of the city; and, provided, further, that no such bonds shall be issued, so that the amount thereof, together with all the other indebtedness of the city, less sinking funds on hand, shall exceed five *per cent.* of the assessed valuation of such city, at the assessment preceding the issue of such bonds; and provided, further, that all such bonds issued, shall be payable in not more than twenty years after their date and shall bear interest not exceeding six *per cent. per annum*, payable semi-annually; provided, further, that no bonds shall in any case be issued by said city for any purpose until the proposition for their

issue shall have been submitted to the people of said city and adopted by a majority vote of all the electors voting thereon, at a general election or special election called for that purpose.

Section 102. The common council shall have power to provide for the abatement or removal of all nuisances, under the ordinances, any law of this state or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fine or imprisonment; and to define and to declare what shall be deemed nuisances, but nothing in this section shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise. Abatement and removal of nuisances.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1891.

No. 509, A.] [Published April 24, 1891.

CHAPTER 255.

AF ACT to amend the charter of the city of Kenosha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 8, of the charter of the city of Kenosha, Wisconsin, being chapter 8 of the private and local laws of the state of Wisconsin for the year 1857, and the several acts amendatory thereof are hereby amended so as to read as follows:

CHAPTER VIII.

OF STREET IMPROVEMENTS AND SEWERS.

SECTION 1. The common council of the city of Kenosha shall have full power and authority to Amends chapter 8, laws of 1857.

Building and repairing of sidewalks; expense of same, how paid.

determine the advisability and necessity of building, re-building and repairing sidewalks within the corporate limits of the city of Kenosha, and shall by ordinance prescribe the streets upon which the same shall be built, rebuilt or repaired, and shall prescribe the width, manner and style of building, re-building and maintaining the same, and shall cause written notice of their determination to be served upon the owner or owners of lot or lots adjoining thereto or abutting thereon, and shall in said notice require the said owner or owners to build, rebuild or repair said walks within such time and in such manner as they shall designate in such notice. The expense of building, re-building and repairing of sidewalks, shall be charged to the property where such improvements are made, and in case the owner or occupant of such lot or parcel of land, after such due notice in writing, shall neglect or refuse to build, rebuild or repair any such sidewalk, the street commissioner shall, in pursuance of the order of the common council, cause the same to be done at the expense of said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner shall, prior to the first Monday in November, in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against such lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences both as to the collection of taxes and the sale of such lot or parcel of land for unpaid taxes prescribed by the charter of the city of Kenosha, or the general laws of the state of Wisconsin for special taxes. If at any time the street commissioner shall be absent or such office be vacant the common council may order that the duties devolved by this act upon such street commissioner shall be performed by the chief of police of said city of Kenosha, or by such other person as may be designated by said common council, which said chief of police or other person designated as aforesaid

shall proceed in all respects as the street commissioner, and shall make full report of his doings to the city clerk, under oath, and the acts or doings of the chief of police or other person designated as aforesaid shall have the same force, effect and validity as the acts of the street commissioner. The common council shall have full and complete authority to adopt all necessary and proper ordinances and general regulations relative to the cleaning of streets, alleys, lanes, avenues, highways, bridges, sewers, sidewalks and cross walks and public grounds; and shall have full and complete power and authority to compel the occupants of real estate adjoining or abutting upon any sidewalk to keep said sidewalk free from snow and ice and all other obstructions, and to pass such ordinance as may be necessary and proper to carry such power and authority into effect and with such penalty as may be necessary and lawful.

Grading, paving and cleaning of streets.

SECTION 2. The common council of the city of Kenosha shall have full power and authority, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading and paving of streets and parts of streets and alleys, and for cleaning streets and alleys and public grounds, and to order and contract for the making and construction of sewers, reservoirs and gutters in the manner hereinafter mentioned, and the said common council shall direct and control the persons employed on such works.

Costs and expenses of surveying of streets, alleys and sewers, how paid.

SECTION 3. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable and payable by the city of Kenosha at large. The costs and expenses of opening, grading, graveling, planking, paving or repairing of streets and alleys, shall be chargeable to and payable by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, and all corner lots shall be chargeable with and shall pay for the same to the center of the street on the side or sides of such corner lot. Sewers and gutters may be ordered by the common council and built at the expense of the lots or parts of lots

benefited thereby and fronting upon the street along which said sewer or gutter shall be constructed; provided, however, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the streets, alleys or public grounds.

Plan of sewerage and drainage to be filed in office of city clerk.

SECTION 4. Whenever it may become necessary, in the opinion of the common council, to provide sewerage and drainage for the city of Kenosha, or any part thereof, it shall be their duty to devise or cause a plan to be devised for the whole city, and plats, diagrams and profiles of such plan, when adopted, shall be filed in the office of the city clerk, and they shall cause such plat, diagram and profile to be recorded in a book to be kept for that purpose by the city clerk.

Estimate of expense of public improvements shall be made and filed in office of city clerk. Contracts may be let to lowest bidder.

SECTION 5. Whenever the common council shall determine to make any public improvements, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, to be assessed and charged to each lot and parcel of land, and the proportion thereof across each street, alley or public ground, for which the city shall be liable as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, and notice thereof shall be given by publication of such estimate in one or more newspapers published in said city for such time as the common council may by resolution determine, before such work shall be ordered to be done. The common council may let such work by contract to the lowest bidder, at the expense of the lots or lands upon which said work is chargeable as aforesaid, all bids for doing the same to be made to the common council; and the said common council shall have power to reject any and all bids, and may require the contractor or contractors to perform such contracts within such time and under such conditions, and to give such security for the performance of such works as they shall direct; such contract when approved by the common council, to be executed on the part of the city

by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in one or more newspapers of said city.

Mayor and committee on streets and alleys shall have supervision of work.

SECTION 6. All work provided for in this chapter shall be done under the immediate supervison of the mayor and the committee on streets and alleys, and shall be approved by them before it shall be accepted by the common council.

Contractors entitled to certificates when work approved by mayor and committee on streets; collection of same.

SECTION 7. Whenever any work has been done under contract, as provided in this chapter, and the work shall have been approved by the mayor and committee on streets and alleys, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lots or parcels of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed and levied upon the said lots or parcels of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of the state of Wisconsin, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof or for any proceedings for the collection of the pay thereof.

Cost of repair of streets, alleys, etc., to be paid by city at large.

SECTION 8. The costs and expenses of keeping all public streets, alleys, public grounds and sewers in repair shall be paid by the city at large.

Owners or occupants of lots shall have right to make sewer connections.

SECTION 9. The owner or occupants of lots or premises shall have the right to connect the same at their own expense by means of private drains or sewers with the public sewers and drains under such rules and regulations as the common council shall from time to time prescribe; but no such

benefited thereby and fronting upon the street along which said sewer or gutter shall be constructed; provided, however, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the streets, alleys or public grounds.

Plan of sewerage and drainage to be filed in office of city clerk.

SECTION 4. Whenever it may become necessary, in the opinion of the common council, to provide sewerage and drainage for the city of Kenosha, or any part thereof, it shall be their duty to devise or cause a plan to be devised for the whole city, and plats, diagrams and profiles of such plan, when adopted, shall be filed in the office of the city clerk, and they shall cause such plat, diagram and profile to be recorded in a book to be kept for that purpose by the city clerk.

Estimate of expense of public improvements shall be made and filed in office of city clerk. Contracts may be let to lowest bidder.

SECTION 5. Whenever the common council shall determine to make any public improvements, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, to be assessed and charged to each lot and parcel of land, and the proportion thereof across each street, alley or public ground, for which the city shall be liable as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, and notice thereof shall be given by publication of such estimate in one or more newspapers published in said city for such time as the common council may by resolution determine, before such work shall be ordered to be done. The common council may let such work by contract to the lowest bidder, at the expense of the lots or lands upon which said work is chargeable as aforesaid, all bids for doing the same to be made to the common council; and the said common council shall have power to reject any and all bids, and may require the contractor or contractors to perform such contracts within such time and under such conditions, and to give such security for the performance of such works as they shall direct; such contract when approved by the common council, to be executed on the part of the city

by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in one or more newspapers of said city.

Mayor and committee on streets and alleys shall have supervision of work.

SECTION 6. All work provided for in this chapter shall be done under the immediate supervison of the mayor and the committee on streets and alleys, and shall be approved by them before it shall be accepted by the common council.

Contractors entitled to certificates when work approved by mayor and committee on streets; collection of same.

SECTION 7. Whenever any work has been done under contract, as provided in this chapter, and the work shall have been approved by the mayor and committee on streets and alleys, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lots or parcels of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed and levied upon the said lots or parcels of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of the state of Wisconsin, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof or for any proceedings for the collection of the pay thereof.

Cost of repair of streets, alleys, etc., to be paid by city at large.

SECTION 8. The costs and expenses of keeping all public streets, alleys, public grounds and sewers in repair shall be paid by the city at large.

Owners or occupants of lots shall have right to make sewer connections.

SECTION 9. The owner or occupants of lots or premises shall have the right to connect the same at their own expense by means of private drains or sewers with the public sewers and drains under such rules and regulations as the common council shall from time to time prescribe; but no such

connection shall be made without a special permit therefor being first had, issued and obtained under the authority of the common council. The common council may by ordinance prescribe a fine or penalty to be imposed on and collected from any person making such connection with such permit. Any party authorizing or doing any injury to a public sewer or drain, whether or not such party had a permit to connect with such drain or sewer, shall be liable to said city for all damages sustained by said city, by reason of such injury.

Public act and shall be liberally construed.

SECTION 10. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Amends chapter 2, laws of 1857.

SECTION 11. Section 4, of chapter 2, of the charter of the city of Kenosha, Wisconsin, being section 4, of chapter 2, of the private and local laws of the state of Wisconsin for the year 1857, is hereby amended so as to read as follows: Section 4. None but electors of said city shall be eligible to or qualified to hold any elective office created by this act, and no person shall be eligible to or hold the office of mayor, alderman, or school commissioner unless he be a freeholder of said city of Kenosha.

Qualifications of city officers.

Amends chapter 4, laws of 1857.

SECTION 12. Section 6, of chapter 4, of the charter of the city of Kenosha, Wisconsin, being section 6 of chapter 4, of the private and local laws of the state of Wisconsin, for the year 1857, is hereby amended so as to read as follows: Section 6. The mayor shall preside at all meetings of the common council when present; he shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend in writing to the common council such measures as he may deem expedient, and for the best interests of the city. He shall sign all commissions, licenses, orders, and permits which shall be granted by the common council. He shall maintain peace and good order, and see that the laws of the state and the ordinances of the city are observed and executed; he shall be entitled to vote upon all questions before the common council when present, and he shall have the power to administer oaths and affirmations; and in case of riot or other public disturbance, he may appoint

The mayor; his powers and duties.

as many special or temporary policemen as he may deem proper; and he may whenever he deems it for the interests of the peace and quiet of said city appoint such number of special police as he may deem necessary. The mayor shall have power to veto any ordinance, or resolution, or estimate or order for public improvements passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance, or resolution, or estimate or order for public improvements. In case no session of the common council shall be held on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections, and in case the common council shall not within seven days after the receipt or filing of such objections as aforesaid, re-enact such ordinance or pass such resolution, or estimate or order for public improvements by the votes of three-fourths of the aldermen-elect, the same shall be null and void. No ordinance, or resolution, or estimate, or order for public improvements shall take effect until seven days after the passage of the same, unless sooner approved in writing, by the mayor, or acting mayor for the time being.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1891.

No. 392, A.] [Published April 24, 1891.

CHAPTER 266.

AN ACT to amend chapter 36, laws of 1882, entitled, "An act to consolidate and amend chapter 322, laws of 1880, an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof."

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Amends chapter 36, laws of 1882.

Regulation of speed of railway trains, etc., in city limits.

SECTION 1. Section 3, of chapter 4, of chapter 36, of the laws of 1882, is hereby amended by adding another subdivision at the end of said section, to be known as "Subdivision 29," as follows: The common council shall have full power to regulate the use of locomotive engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in the streets, and as one of the conditions for such privilege, to require railway companies to maintain, at their own expense such bridges, viaducts, tunnels or other conveniences, at public railroad crossings, as may be necessary; also to regulate the running of such railway cars, in laying down of tracks for the same, and the kind of rails to be used.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 18891.

No. 848, A.] [Published April 22, 1891.

CHAPTER 270.

AN ACT to incorporate the city of Brodhead.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

CHAPTER I.

BOUNDARIES.

SECTION 1. All the district of country in the county of Green, contained within the limits and boundaries hereinafter described, shall be a city by the name of Brodhead, and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation by the name of "The city of Brodhead," and shall have the general powers possessed by municipal corporations at common law; and in addition thereto, shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure. Corporation created.

SECTION 2. All of section number twenty-five (25), and the south half of the south half of the southwest quarter, and the east half of the southeast quarter of the southeast quarter of the southwest quarter, and the east half of the southeast quarter, and the west half of the southeast quarter of section number twenty-four (24), and the west half of the northwest quarter and the west half of the southeast quarter of the northwest quarter, and the west half of the northeast quarter of the northwest quarter, and the northeast quarter of the northeast quarter of the northwest quarter of section number thirty-six (36) of township number two (2) north, range nine (9) Boundaries of city.

east, excepting blocks numbers twelve, thirteen, fourteen, fifteen, sixteen, thirty-nine, forty, forty-one, forty-two, forty-three, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, ninety-three, ninety-four and ninety-five, in the county of Green, in the state of Wisconsin, shall be included in and constitute the limits of the city of Brodhead.

Wards and their boundaries.

First ward.

Second ward.

SECTION 3. The said city shall be divided into two wards, the boundaries of which shall be as follows: First ward shall include all of the territory lying west of the center line of the street known as Center street; Second ward shall include all of the territory lying east of the center line of the street known as Center street.

Corporate power where vested.

SECTION 4. The government of said corporation, the exercise of its corporate powers, the management of its fiscal, prudential and municipal concerns, shall be vested in one municipal officer styled the mayor, in one board of aldermen, consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

OF ELECTIONS.

Annual municipal election.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday in April in each year at such places in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon; and ten days' previous notice shall be given by the common council of the time and place of the holding of such elections, and of the city and ward officers to be elected, in the same manner as is provided for giving notice of general elections in this state. Provided, that the first election under this act shall be held on the first Monday in May, 1891, at such places in said city as the present president and trustees of the village of Brodhead may order. At this first election the voters present shall have power to pro-

ceed and elect *viva voce* proper inspectors and clerks of the election, whose duty it shall be, after being duly sworn, to see that the election shall be conducted according to the laws of the state of Wisconsin; provided, further, that the returns of the first election shall be made to the village clerk of the village of Brodhead, who, with the president of said village, shall certify and notify the officers elected. Notice of the first election under this act shall be given by the clerk of the village of Brodhead, as required by this act, giving ten days' notice.

Elective city officers.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, assessor, two justices of the peace and two constables, elected by and for the city at large, and two aldermen for each ward, and one supervisor from each ward to represent his ward in the board of supervisors of Green county.

Qualifications of city officers.

SECTION 3. The mayor, aldermen, assessor and treasurer shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city, and in the wards for which they were elected. The city clerk, marshal and street commissioner, and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified; provided, however, the common council shall have power for due cause to expel any of their own number and to remove from office any officer or agent appointed by them under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, until the council shall take up his case and dispose of it. The assessor shall receive such compensation as the common council may determine, not to exceed two dollars per day.

Appointive city officers.

Elections how conducted; ties.

SECTION 4. All elections by the people shall be by ballot and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence

of the common council, at such time and in such manner as they shall direct.

Qualifications of electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, who shall reside in the ward where they offer to vote, shall be deemed qualified electors of said city and ward.

Elections how conducted.

SECTION 6. The election after said first election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks and one additional inspector for each ward of such elections, and to administer the necessary oaths; and in case of the absence of any or all the aldermen of the ward at the time of opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election; said elections shall be held and conducted in the same manner, and under the same penalties, and all guards against illegal voting observed, and inspectors and clerks appointed, and vacancies in the board of inspectors filled, as required by the laws of this state regarding elections.

Counting and return of votes.

SECTION 7. When an election shall be closed and the number of votes for candidates or persons voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such return to the city clerk within two days after any election. The common council shall on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

When officer deemed to have vacated his office; filling of vacancies.

SECTION 8. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

SECTION 9. Should there be a failure by the people to hold any annual election on the day designated as herein provided, the common council may order an election to be held; ten days' notice of the time of holding the election shall be given.

Elections not held at time herein prescribed may be held at some future time.

SECTION 10. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by the common council, within ten days after such vacancy. Any vacancy happening in any other office shall be filled by the common council and the person appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

Vacancies.

SECTION 11. There shall be elected at the first election under this act, two aldermen from each ward as follows: One for one year, one for two years, who shall hold their offices until their successors are elected and qualified, and hereafter one alderman shall be elected from each ward, whose term of office shall be for two years and until his successor is elected and qualified. The supervisors elected under this act shall hold their offices for one year and until their successors be elected and qualified and shall be entitled to seats as members of the county board of supervisors of Green county.

Election of aldermen, and terms of office.

SECTION 12. It shall be the duty of the clerk of said city, immediately after an election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, marshal of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualifications of such officers so elected or appointed, under his hand and the corporate seal, and file the same in the office of the clerk of the circuit court of the county in which such city is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. Each justice of the peace shall file a duplicate of his oath of office with the said clerk of the said circuit court.

List of city officers to be filed in office of clerk of the circuit court.

CHAPTER III.

OFFICERS — POWERS AND DUTIES.

Officers, how to qualify.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the city, and the treasurer, clerk, marshal and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Brodhead a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time require new additional bonds and remove from office any officer, refusing or neglecting to give the same.

The mayor; his powers and duties.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk

a copy of his objections; and in case the council shall not within one week after the receipt of such objections or such filing with the clerk, re-enact such ordinance, or pass such resolution by the votes of two-thirds of the aldermen-elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of the council.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their number president, and, in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them or any of them, shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds or any other warrant, order or proceeding whatever, which the mayor has refused to sign and communicated such refusal to the common council.

The city clerk; his powers and duties.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a

full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations. He shall keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection.

Justices of the peace; their jurisdiction.

SECTION 5. Every justice of the peace chosen under this act, shall within ten days after his election, qualify in the same manner as justices of the peace under the general laws of this state, and shall hold his office for two years. He shall have concurrent jurisdiction and powers throughout the county with other justices of the peace, and concurrent and exclusive original jurisdiction, as such justice, of all criminal and civil actions and cases for the violation of any provisions of this act, or of any ordinance, by-law, rule or resolution of said city; but the city shall not be liable for his fees, except such as accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of said city; such fees shall be governed by the general laws concerning fees of justices of the peace. Such justices, together with the mayor, the common council and the marshal, shall be conservators of the peace. Change of venue will be from one justice to the other, as provided by the general laws of this state.

The city treasurer; his powers and duties.

SECTION 6. The treasurer of the city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said city and by law. All money raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid to and received by him, and shall not be drawn therefrom, except by a written order signed by the mayor and countersigned by the clerk, by order of the council.

Such order shall specify the amount of money to be drawn and its object. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the council for that purpose, which shall remain the property of the city, wherein he shall note the time when the person from whom the amount of the several sums received and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of said city. He shall, as often as the council requires, render a minute account of his receipts and payments, and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and vouchers in his possession belonging to said city.

The city marshal; his powers and duties.

SECTION 7. The marshal shall possess all the powers and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and process to him directed by any proper judicial officer. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city, to apprehend any person in the act of committing any offense against the provisions of this act or the laws of this state, or the ordinances, by-laws, rules, regulations or resolutions of the city, with or without process, and forthwith to bring such person before the proper and competent authority for examination, and for such and other services he shall receive like fees as are allowed to constables for like services. And any peace officer may, and it shall be the duty of the marshal to arrest without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, indecent exposure of the person, or noisy, boisterous or disorderly conduct in the streets or public places, and take such person or persons forthwith before a police justice, or keep them until they become sober, in confinement, or until such time as said justice can reasonably hear and dispose of such offender. It shall be the duty of the marshal to see that all hawkers, peddlers and common showmen and all other exhibitors pay their licenses according to law, and this act and the or-

dinances of the city, and in default of payment to prosecute for the same in the corporate name of the city, and pay over the same to the treasurer when received by him. It shall be his duty to act and perform the duties of street commissioner when so ordered or required by the common council. He shall receive in addition to fees herein provided for or in lieu of such fees, such compensation as the common council shall determine.

The street commissioner; his powers and duties.

SECTION 8. The street commissioner shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and waters of the rivers in said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine.

Additional duties may be imposed upon city officers.

SECTION 9. The common council shall have the power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them, such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office or for which he is elected or appointed.

Retiring officer to deliver books, papers, etc., to successor.

SECTION 10. If any person having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office, all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

SECTION 11. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any aldermen may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same.

Aldermen not to be interested in city job.

SECTION 12. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for any pay over to the city treasurer all fines and penalties collected by him and belonging to said city.

Justices of the peace to report to council proceedings in city cases.

CHAPTER IV.

OF EXCISE.

SECTION 1. The council shall have the exclusive authority within the corporate limits of said city to grant or refuse, according to law or ordinance, or both, licenses for selling wines, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualing houses and saloons, where such liquors are sold, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same; and no person shall sell, vend, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances of said city, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks within such corporate limits, without having first obtained license therefor as provided by this act and the laws of this state and the ordinances of the said city. All money received for such licenses shall be paid to the treasurer of said city for the use of said city.

Council vested with exclusive authority to grant licenses for sale of liquor, etc.

CHAPTER V.

COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Common council, how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be: "The common council of the city of Brodhead do ordain," etc. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint; and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their places of abode. The common council shall determine the rules of their own proceedings, and be the judge of the election and qualification of their own members, and have the power to compel the attendance of absent members.

General provisions relating to council; its powers.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes

shall have authority by ordinance, resolution or by-laws:

1st. To license, regulate, suppress or prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state or at common law, and may grant licenses for and regulate groceries, saloons and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; and all such licenses granted shall run from the first day of May in each year until the first day of May following; provided, however, that when any such license may be applied for after that date, the same may be granted to expire on the first day of May of each year, on applicant paying a full year's license therefor; but no license shall be granted for a longer term or period than one year. Licenses.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers. Gambling, etc.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Riots, disturbances, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. Cleansing of unwholesome places.

5th. To direct the location and management of slaughter houses and markets, and regulate the Slaughter houses, gunpowder, etc.

storage, keeping and conveying of gunpowder or other combustible materials.

Encumbering of streets.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or other materials or substances whatever, and to prevent the digging or sinking of mineral or other shafts or holes in the streets, alleys or other public grounds of said city.

Horse racing in streets, etc.

7th. To prevent the public exhibition of stallions, horse racing, immoderate driving or riding in the streets or over the bridges, and to regulate the places of bathing in the waters within the the limits of said city.

Running at large of cattle.

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings.

Running at large of dogs.

9th. To prevent the running at large of dogs in said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Muzzling of dogs.

10th. To provide for the secure muzzling of dogs and for the killing and destruction in a summary manner all dogs not muzzled, found within the said city, running at large.

Depositing of unwholesome substances within city.

11th. To prevent any person from bringing, depositing, or having, within said city any putrid carcasses or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Pounds, pound masters, fence viewers, etc.

12th. To make and establish pounds and appoint pound masters and fence viewers, and prescribe their powers and duties; also to protect shade or ornamental trees on the public squares or in the streets of the corporation, and the monuments of said city; also to fence the public squares and grounds of said corporation, and to protect the same.

Board of health; contagious diseases.

13th. To establish and regulate boards of health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from

the city, when its health and safety so require, and to provide grounds for the burial of the dead.

14th. To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. Driving cattle on sidewalks.

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting of fire-arms and crackers.

16th. To restrain drunkenness, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness and obscenity.

17th. To organize hook and ladder companies, to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner; and if the owner shall neglect or refuse to procure suitable ladders and fire buckets, after reasonable notice, the council may proceed and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder and fire buckets or both, with costs of suit; to direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens; to enter into, at reasonable times, and examine all dwelling houses, lots, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such of them as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes, to prevent fires and the use of fireworks and firearms within the limits of said city, or such part thereof as they may think proper; to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the council or a majority of them who may be present at the fire, for the purpose of preventing its communication with other buildings; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use there- Organization of hook and ladder companies; apparatus for extinguishment of fires, etc.

of, and generally to establish other measures of prudence for the prevention and extinguishment of fires as they shall deem proper.

Removal of snow, ice, etc., from sidewalks, etc.

18th. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Weighing and sale of hay, fuel and lime.

19th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Infectious and contagious diseases.

20th. To regulate and control the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Public auctions.

21st. To regulate the time, place and manner of holding of public auctions or vendues.

Watchmen.

22nd. To appoint watchmen and prescribe their duties.

Standard of weights and measures.

23d. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Opening, repair, etc., of streets, highways, etc.

24th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury, in said city.

Naming of streets.

25th. To alter or change the name of any street in the city.

Purchase of lands for parks, building sites, etc.

26th. To buy, purchase and hold real estate for a city park, and to provide and furnish the means of maintaining the same; also to buy and hold real estate, and erect thereon a city hall to be used for all city purposes, and to lease the same or a part thereof; to use such portion of the license money as they may deem necessary for the purchase of any of said real estate and for the erection of said hall, which real estate and property so bought and held by said city shall be exempt from taxation.

27th. To tax every male resident of said city, not by general law exempt from poll tax, one day's labor, or in lieu thereof one dollar and fifty cents, to be appropriated to improving the roads and streets of said city, under the direction of such person as they may appoint, and in addition to said poll tax, the common council may levy upon all the taxable property in said city, a tax not to exceed three mills on the dollar of the assessed valuation as shown by the roll of the last assessment of the city property, to be known as a street tax. Poll tax.

28th. Upon the application a majority of the resident owners of the lots on any street or part of a street, or on one side of any block to levy and collect a special tax on the owners of the lots on such street, or part of street, according to their respective parts for the purpose of making a sidewalk along the same, or grading, paving or improving the street along the same. Special tax for improvements.

29th. To erect lamps and regulate the lighting thereof on the streets of said city. Lamps and lighting of city.

30th. To regulate, suppress or license hawkers, peddlers, and auctioneers, who travel from place to place to sell goods, wares and merchandise within said city, and to license transient dealers, traders and auctioneers to sell the same, and the license so imposed by said council shall be not less than five dollars per day, in the discretion of said council. Hawkers, peddlers, auctioneers, etc.

31st. To call regular and special meetings of the voters of said city, and to prescribe the compensation of all officers of the corporation, and shall examine, audit and adjust the accounts of all persons and of all officers of the corporation. Meetings of voters, salaries of officers, etc.

32nd. To call a special election for the purpose of raising a tax, when in their opinion the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements. Special election to raise tax.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall within fifteen days after their passage respectively, be published in the official paper or papers of said city, once before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the Ordinances, regulations, etc., how passed; publication of same.

said clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of the majority of the members of the common council in its favor.

Power to abate nuisances not a bar to actions by individuals for same purpose.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling-houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council shall examine, audit and adjust accounts of city officers.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal and all other officers and agents of the city at such time as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys

and vouchers to said council it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Establishment of grade of streets, etc.

SECTION 7. The council shall at such time as it deems proper, establish the grade of all streets, alleys and sidewalks in said city, and shall cause accurate profiles thereof to be made, which shall be filed with the clerk.

No real estate exempt from special tax for sidewalks.

SECTION 8. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and repairs thereof in front of the same.

Cost of cross walks, etc., and cleaning of streets, how paid.

SECTION 9. The expense of all crosswalks at the intersection of streets or alleys, and across public grounds, shall be paid by the city at large. The expense of maintenance, re-laying, keeping in repair, and cleaning of streets, in all cases where the streets shall have been constructed to the established grade, and graveled, planked, macadamized or paved as required by the common council, shall be paid out of the general fund of the city.

Property owners to build and keep in repair sidewalks.

SECTION 10. Property owners shall build the sidewalks, and all sidewalks shall be kept in repair and clear and free from all obstruction, at the expense of the lot adjoining or abutting thereon, and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair and clear, and free, as aforesaid, the common council may cause the same to be done without notice, and charge the expense thereof to such lots respectively.

List of persons and property assessed for improvement tax to be given street commissioner; same to be posted in three conspicuous places.

SECTION 11. Whenever the council shall levy any tax for the purpose of grading paving or otherwise improving any street, or for the purpose of building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list by publishing in three or more conspicuous places in said city or in some public newspaper printed

therein, and shall specify in such notice a time not less than twenty days from the date thereof, when the persons charged with taxes in such lists may pay their taxes in labor, material or money, and the persons charged with such tax may within, and at such places as may be required by such street commissioner, pay their taxes in labor or materials, provided, the labor and materials offered in payment for such taxes are suitable, and such as may be required by such street commissioner.

Street commissioner's return on same of his doings thereon.

SECTION 12. At such time as the common council may direct, the street commissioner who shall have received such tax list, shall return the same to the common council, accompanied by a statement, verified by his affidavit subscribed thereto showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditure, also the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said city shall, in making out the duplicate tax roll next thereafter, enter such unpaid special taxes in a separate column, with ten *per centum* as penalty added thereto, opposite to the names of the persons and descriptions of the property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said city are collected, and when so collected shall be paid over on the order of the council, and when not previously applied shall be expended under their direction on the streets or sidewalks or for the purpose for which they were originally assessed.

Council may prescribe penalties for violation of ordinances.

SECTION 13. In all cases in relation to which by the provision of this act, the council have power to enact or pass ordinances, rules, reglations, resolutions or by-laws in relation to any subject they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding one hundred dollars for any one offense in violation or non-observance thereof; and may also provide that in default of payment of any judgment rendered for any such violation or non-observance, the offender may be imprisoned for such term as

they may by such ordinance, by-law, rule, regulation or resolution direct, not exceeding sixty days, for which purpose the said city shall have the use of the jail of the county in which said city is situated, for the imprisonment of any person liable to be imprisoned, and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county and kept by him the same as other prisoners. Provided, however, the offender may be imprisoned in the city lock-up in said city, and be under the charge of the city marshal.

Actions to recover penalties, etc., to be brought in name of city.

SECTION 14. All actions brought to recover any penalty, or sum of money or forfeiture under this act, or the ordinances, by-laws or rules, regulations, resolutions, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient, without setting forth the special matter, to declare generally, stating the clause of this act, by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet by authority of the council, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

Executions on judgments to contain command to officer to take body of defendant if not paid.

SECTION 15. Every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance, by-law, rule, regulation or resolution of said city, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant, in the said county jail, or jail provided by said city, for such term as shall have been provided by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered or in the discretion of the court in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures,

when collected shall be paid into the treasury of said city for its use.

Ordinances to be published and proof of same.

SECTION 16. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the city before the same shall be in force, except as hereinafter provided, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation resolution, rule or by-law, in all courts and places, and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the city in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and the passage of such ordinance, rule, regulation or by-law, in all courts and places. No ordinance, rule, regulation, by law or appropriation shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the common council in its favor; which vote shall be taken by ayes and noes and entered of record.

Publications, when to be made.

SECTION 17. All notices, ordinances, by-laws, rules, regulations, resolutions, or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said city, if there be one, and if no such paper shall be published in said city, then the same shall be published by posting up the same, either in writing or print in three or more of the most public places in said city. In all actions brought by or in the name of said city, or against it, the said city shall have the same right of appeal, or to a writ of error, as individuals have, and in no case shall any judgment be rendered against said city for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more.

SECTION 18. The council is hereby invested with full power and authority to survey, establish and determine the lines, boundaries, width and dimensions of all streets, highways, alleys, lanes and public grounds in said city, which deter-

mination when recorded shall be conclusive upon all persons and parties; and whenever and wherever the same are now, or shall be hereafter encroached upon or obstructed by any person or in any manner, they shall have power to cause the same to be removed in a summary manner, by giving notice to the person suffering or causing such encroachment or obstruction to remove the same within not less than ten days after service of such notice, and in case of neglect, default or refusal of such person to remove the same within the time specified in such notice, they shall order and direct the marshal to remove the same forthwith, at the expense and cost of such person, to be recovered the same as fines and penalties are recovered as provided by this act, and for the purpose of such removal the marshal is hereby authorized to call to his assistance all officers and persons, and every officer or person refusing to render such assistance shall forfeit and pay a fine of ten dollars.

Council invested with power to survey, establish and determine lines, boundaries, etc., of streets and alleys; encroachments thereon.

SECTION 19. The common council of said city may at any time, appoint three commissioners, residents freeholders of said city, who with the assistance of a duly qualified surveyor, to be appointed by the council, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the said council, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county.

Commissioners may be appointed to make new survey.

SECTION 20. The survey, landmarks and plats so made and established and recorded shall be exclusive evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks in all cases in which they shall be drawn into controversy in all courts of this state, and shall be *prima facie* evidence of the lines and boundaries of all lots and tracts of land owned by individuals. When any suit or action shall be commenced against the said city, the service in such case shall be made by leaving a copy of the

Survey to be exclusive evidence.

process, duly certified to by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the council thereof, or to take such other proceeding as by the ordinances and resolutions of said city may be in such case provided.

Property of inhabitants not liable on execution for city debts.

SECTION 21. No real or personal property of the said city, or of any inhabitant of said city or of any individual or corporation, shall be levied on and sold by virtue of any execution, issued to satisfy or collect any debt, obligation or contract of said city.

Highway taxes to be expended on highways.

SECTION 22. All highway taxes assessed or payable on property or persons resident or being within said city, shall be expended on any or all the highways, streets, bridges, alleys and sidewalks in said city, and the overseers of highways in said city, and every overseer of highways of whose districts and portion of said city shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said city, under and according to the direction and control of the mayor, under the instruction of the council of such city, any law to the contrary notwithstanding, whose compensation for services rendered by him in the discharge of such duties, shall be such as they may order or allow, not exceeding one dollar and fifty cents per day.

Annual levy of tax to pay indebtedness and current expenses.

SECTION 23. The council shall have power and it is hereby made its duty in each year to levy and assess upon the taxable property in said city, such a sum of money as taxes, as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more.

What property liable to taxation; powers and duties of assessor.

SECTION 24. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support oftsthe city government, and the payment of i debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as may be altered by

this act; provided, however, that the common council may prescribe the forms of the assessment rolls, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, as it may, from time to time, deem advisable.

Notice of hearing objections to assessment.

SECTION 25. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alteration or reduction as justice or equity shall require: provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Assessment roll to be returned to board of equalization; their doings therein.

SECTION 26 Within one week from the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same; and increase or lower the amount of such assessment, giving due notice to the parties so increased or lowered.

Assessment lands omitted in previous years.

SECTION 27. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract, as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment

upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying or conveying of the same, but not effecting the equity or justice of the tax itself, the common council shall cause the tax or assess- so set aside or declared void to be relevied in such manner as it shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed, at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract and shall be collected as other taxes and assessments are collected under this act.

Board of equalization, how constituted.

SECTION 28. The supervisors of each ward, the assessors and the city clerk shall constitute the city board of equalization, and shall meet on the second Monday in July in each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are required by law to proceed, as far as the same are applicable, reviewing, correcting and equalizing the assessment rolls of the city. They shall elect their own chairman, and the city clerk shall be clerk of said board and shall not vote except in case of a tie.

Assessment roll to be filed with city clerk.

Action by council.

SECTION 29. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk; thereupon the common council shall, by resolution levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied.

Changes to be recorded by city clerk.

SECTION 30. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Tax to be a lien on property on which assessed.

SECTION 31. All taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the land and tenements upon which they may be assessed, from the delivery of the warrant for the collection thereof until such taxes shall be paid.

Preparation of tax roll.

SECTION 32. From the assessment roll, when so corrected, the city clerk shall proceed to make out the tax roll for the city under the general laws of this state, except that he shall add for *per centum* of the tax on each valuation as a collection fee.

SECTION 32a. The said assment roll and the tax roll and the warrant thereunto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation.

Rolls to be prima facie evidence that persons and property therein named liable to taxation.

SECTION 33. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

General laws relating to taxation shall be in force in city.

SECTION 34. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that tax roll (describing for what purposes such taxes are levied) has been committed to him for collection; and that he will receive payment for taxes at his office as prescribed by the general laws of this state for the collection of taxes.

Treasurer's notice that taxes are due and payable to be published.

SECTION 35. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two *per centum* upon all taxes collected by or paid to him prior to the tenth day of January in each year, and four *per centum* upon all the taxes collected by or paid to him on and after January tenth of each year, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore described, and shall keep in a book, to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council may provide.

Treasurer's fees.

SECTION 36. The city treasurer shall make returns to the county treasurer, according to the general

City treasurer return to county treasurer; mayor and clerk may extend time of payment of taxes.

laws of this state, and the mayor and city clerk shall have the same power to extend the payment of taxes as are given to town boards under the general laws of this state.

General laws relative to proceedings to set aside tax levy applicable to city.

SECTION 37. The general laws of this state for the assessment and collection of taxes, and for proceedings to set aside any assessment or levy of any tax, shall be applicable to the city of Brodhead, except as otherwise herein provided.

Council may fix fire limits.

SECTION 38. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be considered fire proof, shall not be erected or repaired; and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or re-building of wooden buildings within the fire limits where the same shall have been damaged to the extent of fifty *per centum* of the value thereof, and to prescribe the manner of ascertaining such damages, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

CHAPTER VI.

PROCEDURES IN COURTS, AND FORMS.

Actions to recover penalties, etc., to be brought in name of city.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Summons first process unless oath made for warrant.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons unless oath be made for a warrant as in criminal cases before justices of the peace

under the general statutes of the state for the time being.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form: Form of summons.

County of Green, } ss.
City of Brodhead }

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city of Brodhead:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned justice of the peace in and for said city at my office in said city, on the .... day of ....., A. D. 18.., at .. o'clock in the ....noon, to answer to the city of Brodhead, to the damage of said city two hundred dollars or under.

Given under my hand this .... day of....., 18...

C. D.,
Justice of the Peace.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or may hereafter be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being relative to actions commenced by summons and triable before justices of the peace. Proceedings on return of summons.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form: Form of complaint.

The city of Brodhead, } In justice court, before
against } C. D, justice of the
A. B. } peace.

The plaintiff complains against the defendant, for that the defendant on the.....day of..... 18...., at the said city, did violate (section....., of chapter....., of this act, or section....., of an ordinance or by-law or regulation, of said city, describing it by its title), which said..... is now in force. By reason of such violation an action hath accrued to the city of Brodhead to recover of the defendant the sum of .... dollars debt. Wherefore the plaintiff demands judg-

ment against the defendant for the sum aforesa id besides the costs of this action.

Form of warrant.

SECTION 6. In all cases where oath is made for a warrant, it shall be substantially in the following form:

Green county, }
City of Brodhead, } ss.

The city of Brodhead against A. B.

In justice court before C. D., justice of the peace.

E. F., being duly sworn, says on oath that A. B., on the.....day of....., A. D. 18.., at said city, did violate (section.... ..., of chapter ....., of an ordinance or by-law or regulation), describing it by its title which (.....) is now in force, and was then and their guilty of (here name the act constituting the offense), as deponent verily believes, and prays that A. B. may be arrested and held to answer to said city therefor.

Subscribed and sworn to me before me this.... day of....., 18...

C. D.,
Justice of the Peace.

Upon filing with the justice of the peace such complaint, the justice of the peace shall issue his warrant containing the statement of the offense charged, in the usual form, and in the same proceedings and trial shall be had as cases under the statutes for the recovery of penalties.

Witnesses and jurors to attend in city cases without payment of fees in advance.

SECTION 7. Witnesses and jurors shall attend before the justice of the peace in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Defendant may call jury; judgment on finding.

SECTION 8. In city prosecution for the violation of any ordinance, by-law or regulation of said city, the defendant may call a jury as prescribed by law in justice courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases before justices of the peace. If the defendant be found guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but

if he be found not guilty the costs of suit shall be taxed against the city. In case the action was commenced by summons, upon the rendition of judgment against the defendant, and the non-payment thereof, the justice of the peace shall forthwith issue execution as in cases of tort, or a commitment in case the action was commenced by warrant. Such execution may be in the following form, and the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs:

Form of execution.

County of Green, }
City of Brodhead, } ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Brodhead, on the .... day of ...., 18... recover a judgment before the undersigned, justice of the peace in and for said city, against ...., for the sum of .... dollars, together with .... dollars and .... cents, costs of suit, for the violation of (section ...., of chapter ...., of this act, or section...., of an ordinance or by-law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said ...., excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty five cents for this writ; and the same return to me within thirty days, and for want of such goods and chattels whereon to levy to take the body of the said .... and him convey, and deliver to the keeper of the common jail of Green county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said .... for the term of ....., unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this ..... day of ...., 18...

C. D.,
Justice of the Peace.

Appeals.

SECTION 9. In all cases where the fine is more than five dollars (5.00), the defendant may appeal from such judgment to the circuit court of the county of Green; provided, such defendant, within twenty four hours, pay the justice of the peace his costs, one dollar ($1.00) for return, and one dollar ($1.00) state tax, and two dollars ($2.00) clerk fees, and enter into a recognizance with one or more sufficient sureties, to be approved by such mayor and justice of the peace, conditioned to appear before said court, and abide the judgment of the court therein. The justice of the peace from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court.

Trial of appeal.

SECTION 10. Said appeal shall stand for trial by jury, unless a jury be waived, in a manner provided by law, in said circuit court, at the next term thereof, after the day of judgment of the justice of the peace shall be rendered

Judgment in circuit court.

SECTION 11. If the judgment of the justice of the peace shall be affirmed, or if upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, by law, resolution, or regulation of said city, under which he or they are prosecuted, and enter judgment against him or them and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort, or by commitment.

Sentence of court may include hard labor on streets and public works.

SECTION 12. Whenever, by the judgment of the justice court, a person shall be sentenced to imprisonment in the county jail, or whenever by the non-payment of a fine, in actions commenced by a warrant, a person shall be committed to the said jail for a term exceeding one day, for a violation of any of the provisions of this act, or of the ordinances of said city, the court may also sentence such person to be kept at hard labor during the term of his imprisonment, on the streets and public works of said city, without the jail, and the time that any such convict is so employed outside of the jail in pursuance of any such sen-

tence shall be regarded as a part of the time for which such convict is sentenced; in all cases of such sentence it shall be stated in the commitment and when so stated shall be sufficient authority to enable the officer having such convict in charge to remove him from said jail to the place of labor and back to said jail for safe-keeping during the term of such imprisonment.

Labor imposed to appropriate to prisoners' physical condition.

SECTION 13. The labor thus to be performed shall be appropriate to the physical condition of the convict, and under the direction of the council of said city, which may adopt such orders, rules and regulations in relation thereto as they may deem best, and the officer having the custody of such convict shall be governed thereby.

Prisoners may be committed to lock-up.

SECTION 14. The court or justice of the peace who issues the commitment authorized by this chapter may, in his discretion, at any time change the words, "jail," "county jail" or "jail of Green county" wherever they may appear, and place in lieu thereof the "city lock-up," and the said court or justice may commit any prisoner to said lock-up and sentence him to hard labor on the streets of said city, in the same manner as is herein provided for the commitment of said prisoner to the county jail.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

Work costing to exceed one hundred dollars shall be let by contract.

SECTION 1. All contracts for work for which the consideration shall exceed the sum of one hundred dollars, ordered by the council, shall be let by contract or job to the lowest bidder therefor, as the council may direct and order.

Inhabitancy of city not to disqualify witness, judge or juror.

SECTION 2. No person shall be an incompetent witness, judge, justice or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Account against city to be verified.

SECTION 3. No account shall be allowed by the common council unless the same is verified by the owner thereof or some person in his behalf.

Compensation of mayor and aldermen.

SECTION 4. No compensation or salary shall be paid to the mayor or any aldermen except when they shall act as inspectors of election, when

their compensation shall not exceed one dollar per half day to each inspector.

Village officers to hold until city officers elected and qualified.

SECTION 5. All officers of the village of Brodhead shall hold their respective offices until the city officers under this act shall be elected or appointed and qualified, and all property, real and personal, books, papers, maps, etc., belonging to the said village of Brodhead, shall be and become the property of the city of Brodhead upon its organization under this act.

Claim against city to be presented to council before suit brought.

SECTION 6. No action shall be maintained by any person against the city of Brodhead upon any claim or demand other than a city bond or order unless such person shall first have presented his claim to the common council of said city.

Service of process on city.

SECTION 7. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Orders on city treasurer, how drawn.

SECTION 8. All orders on the city treasurer for the payment of the money of said city shall be signed by the mayor and shall be countersigned by the city clerk, and no order shall be drawn on the city treasurer unless said treasurer shall have sufficient funds in his hands belonging to said city to pay the same.

General law contravening provisions of this act not to repeal this unless expressly set forth.

SECTION 9. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Village ordinances to remain in full force until repealed.

SECTION 10. All of the village ordinances and by-laws now in force in the village of Brodhead shall remain in full force and effect until amended or repealed by the council of said city.

Act incorporating village of Brodhead repealed.

SECTION 11. The act entitled "An act to incorporate the village of Brodhead," approved March 7, 1870, and all acts and parts of acts amendatory thereto, are hereby repealed. And all moneys remaining in the treasury of said village of Brodhead shall, upon the organization of said city of Brodhead, be paid by the treasurer of said village

into the treasury of said city, and become a part of the general fund of said city.

SECTION 12. The connection between the town of Decatur and that part of said town included within the city limits, for all purposes, is disolved. The duties now and hereafter imposed upon supervisors and other town officers so far as they relate to the city of Brodhead, shall be performed by the aldermen, mayor, and other officers of said city except as herein otherwise provided.

Connection with town of Decatur dissolved.

SECTION 13. The electors of the town of Decatur shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Brodhead as they may determine, and the officers of said town of Decatur may transact all the town business and keep all the town records in said city, and with like effect as if held or done or kept in the town of Decatur;

Town of Decatur may hold elections and transact town business in city.

SECTION 14. The "Brodhead School District" as per act approved March 27, 1867, and amendments thereto, now embracing the territory to be included in the city of Brodhead and a part of the towns of Decatur, in Green county, and Spring Valley, in Rock county, shall not be affected by this act, and the management thereof shall remain the same as heretofore; provided, that said school district may be altered under the provisions of the general laws, regarding the altering of school districts.

Brodhead school district.

SECTION 15. This act shall be considered as a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

This act to be liberally construed.

Approved April 18, 1891.

No. 342, S.] [Published May 9, 1891.

CHAPTER 271.

AN ACT to amend chapter 238 of the laws of 1882 entitled, "An act to incorporate the city of Monroe."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 238, laws of 1882.

Boundaries of city.

SECTION 1. Section 1 of chapter 238, laws of 1882, entitled, "An act to incorporate the city of Monroe," is hereby amended by inserting after the word "east" in the seventeenth line thereof, the following: And the land embraced in the Monroe city cemetery described as follows: Commencing at the southeast corner of the present corporate limits of said city, being the northeast corner of fractional lot number eight, in section number two, town number one, range seven east, thence south on the east line of said fractional lot number eight, five hundred thirty and four-tenths feet, thence south eighty-two degrees and thirty-five minutes west, two hundred sixty-four and six-tenths feet, thence south parallel with east line of said lot eight, three hundred forty-three and nine-tenths feet; thence south eighty-two degrees and thirty-five minutes, west three hundred eighty feet; thence north nine hundred twelve feet to the corporate limits of said city, thence east on the south line of fractional lot number one, town two, range seven, six hundred forty-four and six-tenths feet to the place of beginning; containing eleven and twenty-three one-hundredths acres," so that when so amended said section 1 shall read: Section 1. The inhabitants of the district included within the following limits and boundaries, to-wit: The east half of the northeast quarter of section number thirty-four, the southeast quarter of section number thirty-four, and the northeast quarter of the southwest quarter of section number thirty four and so much of the southeast quarter of the southwest quarter of sction number thirty-four as is included in Scott's addition, and the southwest quarter of

northeast quarter and southeast quarter of northwest quarter of section number thirty-four, all of section number thirty-five in town number two north, range seven east, and fractional lots number one, two, three, four, five, six, eleven and twelve of section two, in town number one, range seven east, and fractional lots one, two, three, six, seven, eight, nine, ten and eleven of section three, town one range seven east, and the land embraced in the Monroe city cemetery described as follows: Commencing at the southeast corner of the present corporate limits of said city being the northeast corner of fractional lot number eight, in section number two, town number one, range seven east, thence south on the east line of said fractional lot number eight, five hundred thirty and four-tenths feet; thence south eighty-two degrees and thirty-five minutes, west two hundred and sixty-four and six tenths feet; thence south parallel with east line of said lot eight, three hundred forty-three and nine tenths feet; thence south eighty-two degrees and thirty-five minutes, west three hundred eighty feet; thence north nine hundred twelve feet to the corporate limits of said city; thence east on the south line of fractional lot number one, town two, range seven, six hundred forty-four and six-tenths feet to the place of beginning; containing eleven and twenty-three hundredths acres, in the county of Green, and state of Wisconsin, are hereby declared a body corporate and politic under the name and style of the "City of Monroe," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may alter the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

Amends chapter 238, laws of 1882.

SECTION 2. Section 2 of chapter 238, of the laws of 1882, entitled, "An act to incorporate the city of Monroe," is hereby amended so as to read as follows: Section 2. The said city shall be di-

cept by a majority vote of all the members of the common council; and the person to whom such license is granted shall give a bond in such form, in such sum and with such conditions as the common council may determine, with two or more sureties, and no person shall sign more than one bond as principal or two bonds as surety.

Gambling, etc.

2. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

Concerts and musical entertainments.

3. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities and all other exhibitions and amusements.

Riots, disturbances, etc.

4. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill-fame.

Cleansing of unwholesome places.

5. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers or other unwholesome or nauseous house or place, to cleanse the same from time to time or remove or abate the same, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Public markets.

6. To direct the location and management of public markets.

Butchers and sale of game, etc.

7. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food and to prescribe their duties and compensation, and to cause the seizure and destruction or other deposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Storing of gunpowder.

8. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials

Same, and of lights in barns, etc.

9. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Shooting of firearms and crackers.

10. To prohibit the shooting of firearms and crackers, and the exhibition or use of any fireworks, at any time or in any manner which may

be considered by the council dangerous to the city or to any property therein or annoying to the citizens thereof.

11. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds and depot grounds with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or materials, or in any manner whatsoever. Encumbering of streets.

12. To prohibit horse racing and immoderate riding or driving in the streets. Horse racing in streets.

13. To prohibit and punish the abuse of animals. Abuse of animals.

14. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds. Fastening of horses on streets.

15. To regulate and determine the times and places of bathing and swimming in the ponds or other waters in and adjoining the city, and to prevent any obscene or indecent exposure or conduct. Bathing and swimming.

16. To restrain and punish vagrants, mendicants, street beggars and prostitutes; and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Vagrants, tramps, etc.

17. To prohibit the running at large of dogs and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Running at large of dogs.

18. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of such licensed dogs. Licensing of dogs.

19. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles, and to prescribe their compensation and to establish and change from time to time stands for hacks and other public vehicles. License of hackmen, draymen, etc.

cept by a majority vote of all the members of the common council; and the person to whom such license is granted shall give a bond in such form, in such sum and with such conditions as the common council may determine, with two or more sureties, and no person shall sign more than one bond as principal or two bonds as surety.

Gambling, etc.

2. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

Concerts and musical entertainments.

3. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities and all other exhibitions and amusements.

Riots, disturbances, etc.

4. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill-fame.

Cleansing of unwholesome places.

5. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers or other unwholesome or nauseous house or place, to cleanse the same from time to time or remove or abate the same, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Public markets.

6. To direct the location and management of public markets.

Butchers and sale of game, etc.

7. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food and to prescribe their duties and compensation, and to cause the seizure and destruction or other deposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Storing of gunpowder.

8. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials

Same, and of lights in barns, etc.

9. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Shooting of firearms and crackers.

10. To prohibit the shooting of firearms and crackers, and the exhibition or use of any fireworks, at any time or in any manner which may

be considered by the council dangerous to the city or to any property therein or annoying to the citizens thereof.

11. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds and depot grounds with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings or any substance or materials, or in any manner whatsoever. Encumbering of streets.

12. To prohibit horse racing and immoderate riding or driving in the streets. Horse racing in streets.

13. To prohibit and punish the abuse of animals. Abuse of animals.

14. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds. Fastening of horses on streets.

15. To regulate and determine the times and places of bathing and swimming in the ponds or other waters in and adjoining the city, and to prevent any obscene or indecent exposure or conduct. Bathing and swimming.

16. To restrain and punish vagrants, mendicants, street beggars and prostitutes; and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Vagrants, tramps, etc.

17. To prohibit the running at large of dogs and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Running at large of dogs.

18. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of such licensed dogs. Licensing of dogs.

19. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles, and to prescribe their compensation and to establish and change from time to time stands for hacks and other public vehicles. License of hackmen, draymen, etc.

Rolling of hoops, riding of bicycles, etc.

20. To prohibit and regulate the rolling of hoops, flying of kites, playing of ball, riding of bicycles or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks or to frighten teams and horses.

Person infected with diseases.

21. To regulate, control and prohibit the landing of persons from cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of the said city; and also to make regulations to prevent the introduction of contagious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations and to enforce the same within the city, and not to exceed five miles beyond the city limits.

Hospitals.

22. To establish hospitals and to provide for their reputation and support.

Preservation of health.

23. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Burial of the dead; purchase of cemeteries.

24. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemeteries within or without the city limits and to exercise jurisdiction and control thereof; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Running at large of cattle, etc.

25. To regulate and restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings; and also to impose penalties upon the owners of any such animals for a violation of any such ordinances.

Public auctions.

26. To regulate the holding of public auctions.

Sewers.

27. To prescribe and regulate the construction of sewers within the city.

Sites for public buildings, etc.

28. To locate and purchase sites and let contracts for the erection and construction of public buildings; to acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks, and any other public purposes, and to sell, dispose of and convey the same.

29. To lay out, make, open and keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury. Laying out and opening of highways, streets and alleys, etc.

30. To establish and alter the grade of streets and to regulate the manner of using the streets and pavements in said city and to protect the same from injury by vehicles used thereon. Grade of streets.

31. To name or change the name of any street Naming of streets.

32. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for lighting the streets and public grounds and public places with gas or otherwise. Public pounds, wells, cisterns, and lighting of streets.

33. To establish and regulate boards of health. Boards of health.

34. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances, but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction by indictment or otherwise. Abatement and removal of nuisances.

35. To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances or any putrid or unsound beef, pork, fish or hides, and on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons. Depositing of unwholesome substances within city.

36. To prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise. Ringing of bells, blowing of horns, etc.

37. To regulate or prohibit the use of steam whistles within the limits of the city. Steam whistles.

38. To provide for sprinkling the streets at the cost of the city or of the lots or parts of lots fronting thereon. Sprinkling of streets.

39. To compel the owners or occupants of buildings or grounds to remove and keep snow, Removal of snow, ice, etc., from sidewalks.

Rolling of hoops, riding of bicycles, etc.

20. To prohibit and regulate the rolling of hoops, flying of kites, playing of ball, riding of bicycles or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks or to frighten teams and horses.

Person infected with diseases.

21. To regulate, control and prohibit the landing of persons from cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of the said city; and also to make regulations to prevent the introduction of contagious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations and to enforce the same within the city, and not to exceed five miles beyond the city limits.

Hospitals.

22. To establish hospitals and to provide for their reputation and support.

Preservation of health.

23. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Burial of the dead; purchase of cemeteries.

24. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemeteries within or without the city limits and to exercise jurisdiction and control thereof; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Running at large of cattle, etc.

25. To regulate and restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings; and also to impose penalties upon the owners of any such animals for a violation of any such ordinances.

Public auctions.

26. To regulate the holding of public auctions.

Sewers.

27. To prescribe and regulate the construction of sewers within the city.

Sites for public buildings, etc.

28. To locate and purchase sites and let contracts for the erection and construction of public buildings; to acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks, and any other public purposes, and to sell, dispose of and convey the same.

licenses under this subdivision, to prescribe the time for which such licenses shall be granted, to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license and to regulate the manner in which they shall be carried on; provided that no such license shall be granted for a less term than three months nor for a longer time than one year.

46. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city. Regulate keeping of lumber yards, etc.

47. To provide for the inspection and regulation of stationary steam engines and boilers. Inspection of steam engines and boilers.

48. To provide for the appointment of inspectors, weighers and gaugers and regulate their duties and to prescribe their fees. Inspectors, weighers and gaugers, etc.

49. To regulate the use of locomotive engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto, to direct and control the location of railroad tracks in the streets, and as one of the conditions for such privelege to require railway companies to maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as may be necessary; also to regulate the running of such railway cars, the laying down of track for the same and the kind of rail to be used. Use and speed of locomotives and railroad trains.

50. To provide for the appointment of watchmen and policemen, and to regulate the police and prescribe their duties. Watchmen and policemen.

51. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe. Numbering of stores, houses, etc.

52. To declare the weed commonly called the Canada thistle, and other noxious plants and weeds in the city, a public nuisance, and provide for the abatement of the same as the city is authorized by law to abate other nuisances. Noxious weeds.

53. To direct and regulate the planting and preserving of ornamental trees, in the streets and public grounds. Ornamental trees.

54. To authorize the taking up and to provide for the safe keeping and education for such periods of time as may be deemed expedient, of Destitute children.

all children who are destitute of proper paternal care, and growing up in mendicancy, ignorance, idleness and vice.

Vagrants, etc.

55. To authorize the arrest, fine and imprisonment of vagrants, or persons who not having visible means to maintain themselves are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming house, house of fortune telling or place of cock fighting, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses or who shall disturb any place where public or private schools are held either on week day or Sabbath, or place where religious worship is held.

Concealed weapons.

56. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons.

Construction of buildings, chimneys, etc.

57. To control and regulate the construction of buildings, chimneys and smokestacks, and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city and to declare them to be nuisances, and to provide for their summary abatement.

Construction of opera houses, churches, etc.

58. To regulate or prohibit the use of any hall, theatre, opera house, church, school house or building of any kind whatsoever to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Public pounds, wells, cisterns, water works.

59. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water to the inhabitants of the city and to supply such city with water for fire protection and other purposes; and to secure the erection of water works, said city may by contract or ordinance, grant to any person, persons, company or corporation, the full right and privilege to build and own such water

works, and to maintain, operate and regulate the same, and in doing so to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also, by contract or ordinance, provide for supplying from such water works, the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance.

Police justice; his jurisdiction.

60. The common council shall appoint one police justice who shall hold a court called and known as the police court, which shall have jurisdiction to try and sentence all offenders against the ordinances of the city. The police court shall also have jurisdiction to try all misdemeanors triable before a justice of the peace, and to issue warrants for the apprehension of persons charged with the commission of offenses not triable before a justice of the peace, and to examine such alleged offenders, and commit or hold them to bail, the same as a justice of the peace of the city might do. The police court shall have the civil and criminal jurisdiction of a justice of the peace within the limits of the city; and exclusive jurisdiction of offenses against the ordinances of the city. Such police justice shall hold said office for the term of two years after his appointment and qualification, and he shall qualify and give bond in the same manner as is required of justices of the peace, before entering upon the discharge of his duties; and he shall be allowed the same fees and compensation now allowed by law to justices of the peace.

Repeals section 41, chapter 238, laws of 1882.

SECTION 8. Section 41 of chapter 238 of the laws of 1882, entitled, "An act to incorporate the city of Monroe," is hereby repealed.

Amends chapter 238, laws of 1882.

SECTION 9. Section 51 of chapter 238 of the laws of 1882, entitled "An act to incorporate the city of Monroe," is hereby amended so as to read as follows: Section 51. The common council shall have power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for school buildings, and other public buildings, and lands to be used for purposes of drainage and wa-

Council may condemn lands for streets and alleys, parks, public buildings, etc.

all children who are destitute of proper paternal care, and growing up in mendicancy, ignorance, idleness and vice.

Vagrants, etc.

55. To authorize the arrest, fine and imprisonment of vagrants, or persons who not having visible means to maintain themselves are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming house, house of fortune telling or place of cock fighting, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses or who shall disturb any place where public or private schools are held either on week day or Sabbath, or place where religious worship is held.

Concealed weapons.

56. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons.

Construction of buildings, chimneys, etc.

57. To control and regulate the construction of buildings, chimneys and smokestacks, and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city and to declare them to be nuisances, and to provide for their summary abatement.

Construction of opera houses, churches, etc.

58. To regulate or prohibit the use of any hall, theatre, opera house, church, school house or building of any kind whatsoever to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Public pounds, wells, cisterns, water works.

59. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water to the inhabitants of the city and to supply such city with water for fire protection and other purposes; and to secure the erection of water works, said city may by contract or ordinance, grant to any person, persons, company or corporation, the full right and privilege to build and own such water

works, and to maintain, operate and regulate the same, and in doing so to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also, by contract or ordinance, provide for supplying from such water works, the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance.

Police justice; his jurisdiction.

60. The common council shall appoint one police justice who shall hold a court called and known as the police court, which shall have jurisdiction to try and sentence all offenders against the ordinances of the city. The police court shall also have jurisdiction to try all misdemeanors triable before a justice of the peace, and to issue warrants for the apprehension of persons charged with the commission of offenses not triable before a justice of the peace, and to examine such alleged offenders, and commit or hold them to bail, the same as a justice of the peace of the city might do. The police court shall have the civil and criminal jurisdiction of a justice of the peace within the limits of the city; and exclusive jurisdiction of offenses against the ordinances of the city. Such police justice shall hold said office for the term of two years after his appointment and qualification, and he shall qualify and give bond in the same manner as is required of justices of the peace, before entering upon the discharge of his duties; and he shall be allowed the same fees and compensation now allowed by law to justices of the peace.

Repeals section 41, chapter 238, laws of 1882.

SECTION 8. Section 41 of chapter 238 of the laws of 1882, entitled, "An act to incorporate the city of Monroe," is hereby repealed.

Amends chapter 238, laws of 1882.

SECTION 9. Section 51 of chapter 238 of the laws of 1882, entitled "An act to incorporate the city of Monroe," is hereby amended so as to read as follows: Section 51. The common council shall have power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for school buildings, and other public buildings, and lands to be used for purposes of drainage and wa-

Council may condemn lands for streets and alleys, parks, public buildings, etc.

ter distributions, and other public municipal purposes not herein enumerated, and to alter, vacate, change or widen the public squares, streets and alleys under the provisions of section 927 and sections 895 to 904 inclusive, of the revised statutes of 1878, and the acts amendatory thereof, or, at their option under sections 154 to 171 inclusive, of chapter 326 of the laws of 1889, so far as may be applicable.

Repeals section 60, chapter 238, laws of 1882.

SECTION 10. Section 60 of chapter 238 of the laws of 1882, entitled, "An act to incorporate the city of Monroe," as amended by section 3, chapter 128, of the laws of 1883, is hereby repealed.

Amends chapter 238, laws of 1882.

SECTION 11. Section 66 of chapter 238 of the laws of 1882, entitled, "An act to incorporate the city of Monroe," is hereby amended so as to read as follows: Section 66. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and shall be commenced by complaint substantially in the following form:

COMPLAINT.

Form of complaint.

State of Wisconsin,
Green County, } ss.
City of Monroe,

.....being duly sworn, complains on oath to the undersigned police justice of the city of Monroe, that C. D. did, as the deponent verily believes, on or about the .... day of ...., A. D. 18.., at said city, violate an ordinance of said city, to wit: (here insert the title and date of the ordinance or the chapter and section of the general ordinance), in that he did, then and there, contrary to said ordinance (here insert the act or omission complained of). Wherefore the complainant prays that said C D. be arrested and dealt with according to law.

Subscribed and sworn to before me this ..... day of ....., A. D. 18...

A. B.
Complainant.
E. F.
Police Justice.

WARRANT.

Form of warrant.

State of Wisconsin,
Green County, } ss.
City of Monroe,

The state of Wisconsin, to the marshal or any police officer of said city or the sheriff or any constable of the county of Green:

You are hereby commanded to arrest and bring before the undersigned police justice as soon as may be, and safely keep subject to the order of said police justice, the body of C. D., charged with violating one of the ordinances of the city of Monroe.

Dated.....

E. F.,
Police Justice.

Amends chapter 238, laws of 1882.

SECTION 12. Section 76 of chapter 238 of the laws of 1882, entitled "An act to incorporate the city of Monroe," as amended by section 5, chapter 128 of the laws of 1883, is hereby amended by striking out in the last two lines thereof the words "except as provided in section 60 of this act," so that when amended, section 76 shall read as follows: Section 76. All fines, penalties and forfeitures recovered and collected under, and by virtue of this act or by virtue of any ordinance or by-law enacted by the common council of said city and all moneys paid to the city, on account of any or all licenses whatsoever, granted or issued by the common council of said city, including licenses for the sale of malt, spirituous, or intoxicating liquors, shall be paid into the city treasury for the use and benefit of said city.

Disposition to be made of fines, penalties, license moneys, etc.

Repealing clause.

SECTION 13. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1891.

No. 622 A.] [Published April 21, 1891.

CHAPTER 276.

AN ACT to amend chapter 124, of the laws of 1887, entitled, "An act to revise, consolidate and amend the act incorporating the city of Sheboygan, and the acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 124, laws of 1887.

Boundaries of city.

SECTION 1. Section 2, of title I, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 2. The territory included within the following limits and boundaries shall constitute the city of Sheboygan, to-wit: Beginning on the shore line of Lake Michigan, where it is intersected by the north line of section fourteen (14), of township fifteen (15) north, range twenty-three (23) east, in said county of Sheboygan, running thence west along the north line of said section fourteen (14), and along the north line of section fifteen (15), in said township and range, to the northwest corner of the east half of the west half of said section fifteen (15) aforesaid, running thence south on the west one-sixteenth (1-16) lines of section fifteen (15), and sections twenty-two (22), twenty-seven (27), and thirty-four (34), all in said township and range, to the southwest corner of the northeast quarter of the northwest quarter of said section thirty-four (34), running thence east along the north one-sixteenth (1-16) lines of said section thirty-four (34) and of section thirty-five (35), in said township and range, and the continuation of said one-sixteenth (1-16) line last aforesaid, to the east boundary line of said county of Sheboygan, thence north on said east boundary line of said county to a point due east of the place of beginning, and thence west to the place of beginning.

Amends chapter 124, laws of 1887.

Wards and their boundaries.

SECTION 2. Section 3, of title I, of chapter 124, laws of 1887, is hereby amended to read as follows: The said city shall be divided into eight (8) wards, numbered and bounded as follows, to-wit: The First ward shall embrace all that

part of said district which lies north of the center of the alley between Niagara and Ontario streets, and east of the center of Eighth street. The Second ward shall embrace all that part of said district between the channel of the Sheboygan river on the south and the southern boundary of the First ward on the north, which lies east of the center of Eighth street. The Third ward shall embrace all that part of said district which lies within the following boundaries, to-wit: Commencing at the point of intersection of the center of Eighth street, with the center of the alley between Niagara and Ontario streets, running thence west along the center of said alley and the continuation thereof to the channel of the Sheboygan river; thence down the channel of said river to a point opposite to the center of Eighth street and thence north along the center of Eighth street to the place of beginning. The Fourth ward shall embrace all that part of said district which lies within the following boundaries, to-wit: Beginning at the mouth of the Sheboygan river, running thence up the channel of said river to a point opposite the center of Walnut street, thence south on the center of Walnut street to the center of the right of way of the Chicago & Northwestern railway company; thence west along the center of said right of way to the center of Spruce street; thence south to the southern boundary of said city; thence east along said southern boundary to the east boundary line of said city; and thence north to the place of beginning. The Fifth ward shall embrace all that part of said district which lies west of the center of Spruce street and south of the center of the right of way of the Chicago and Northwestern railway company, and south of a line drawn due west to the channel of the Sheboygan river from the place where the center of said right of way intersects the west line of block two hundred fifty-one, of said city, and south of the channel of the Sheboygan river. The Sixth ward shall embrace all that part of said district west of the center of Walnut street, which lies between the channel of the Sheboygan river and the center of the right of way of the Chicago & Northwestern railway company and a line drawn due west to the channel of the

First ward.
Second ward.
Third ward.
Fourth ward.
Fifth ward.
Sixth ward.

Sheboygan river from the place where the center line of said right of way intersects the west line of block two hundred fifty-one of said city. The Seventh ward shall embrace all that part of said district which lies west of the Eighth ward and north of the Sheboygan river. The Eighth ward shall embrace all that part of said district which lies within the following boundaries, to-wit: Beginning at a point in the north line of said city due north of the center of Eighth street, running thence due south to the intersection of the center of Eighth street with the center of the alley between Niagara and Ontario streets; thence west along the center of said alley and the continuation thereof to the channel of the Sheboygan river; thence up the channel of said river to a point due south of the center of Thirteenth street; thence north along the center of Thirteenth street to its intersection with the center of the Calumet plank road; thence northwest along the center of said plank road to its intersection with the center of Kinzie street; thence north along the center of said Kinzie street to the north boundary line of said city, and thence east along said north boundary line to the place of beginning.

Seventh ward.

Eighth ward.

Amends chapter 124, laws of 1887.

Number and boundaries of wards.

SECTION 3. Title I, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 4. The number and boundaries of wards in said city may be changed by ordinance when the same shall be adopted by a vote of at least three-fourths of all the members of the common council; provided, said ordinance must be introduced at a regular meeting of the council in May, and before final action is taken thereon, the same shall be published in the official paper of the city once in each week for four successive weeks, and when the boundaries of any wards are fixed by any ordinance, the number of wards in the city and the boundaries thereof or of any of said wards shall not be again changed for a period of two years, except by adding thereto such territory as may at any time be added to the city limits; and provided, however, that the territory of the wards shall be contiguous and compact, and that no ward having a population of less than fifteen hundred shall be created.

Amends chapter 124, laws of 1887.

SECTION 4. Section 1, title II, of chapter 124, laws of 1887, is hereby amended to read as fol-

lows: Section 1. The elective officers of said city shall be a mayor, a supervisor, and two aldermen for each ward, a city treasurer, a city comptroller, a city clerk, a city attorney, a city assessor, a municipal judge, three justices of the peace, and one school commissioner, from each ward, constituting the school board for said city. The appointive officers of said city shall be a city engineer, a superintendent of poor, a city physician, a sealer of weights and measures, a board of cemetery commissioners, a board of public works, a harbor master, and as many bridge tenders, firemen, policemen, and such other officers and agents as may be provided for by this act, or as the common council may deem necessary.

City officers, elective and appointive.

SECTION 5. Section 5, of title II, chapter 124, laws of 1887, is hereby amended to read as follows: Section 5. If any alderman shall remove from the ward represented by him, or shall engage in any service, employment or business causing a continuous absence from the city of more than two months, his office shall thereby become vacant and when any vacancy shall in any manner occur in the office of alderman, the mayor shall appoint within thirty days after the occurrence of such vacancy, a suitable person to fill said vacancy, until the next charter election, when an alderman shall be elected in the manner provided by the charter for the unexpired term thereof; said appointment to be approved by a two-thirds vote of the common council.

Amends chapter 124, laws of 1887.

Vacancies when occuring and how filled.

SECTION 6. Section 13, of title II, of chapter 124, laws of 1887, is hereby amended to read as follops: Section 13. In case of the dismissal of any officer, or in case of the removal of any officer from the city, or when any officer elected or appointed in and for, or from any ward or division of the city, shall remove his residence without the limits of such ward or division, or when any officer shall refuse or neglect for twenty days after notice of his election or appointment, to qualify and enter upon the discharge of his duties of office, his office shall be deemed vacant, and whenever a vacancy shall occur in such manner or in any other manner, in any office to be filled by an election by the people, the common council shall order a new

Amends chapter 124, laws of 1887.

Vacancies and how filled.

election, except in the office of alderman, upon a public notice, as required in section 2, of this title, and when any vacancy shall occur in any office to be filled by the common council, the same proceedings shall be had to fill such vacancy as are required for the election in the first instance. When any vacancy shall occur in any appointive office, the same shall be filled by nomination by the mayor, and confirmation by the council, in the same manner as required by section 8, of this title.

Amends chapter 124, laws of 1887.

The city clerk; his powers and duties.

SECTION 7. Section 4, of title III, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 4. The city clerk shall keep his office at the place designated by the common council, where he shall be in attendance during such reasonable hours as the common council may require. He shall keep the corporate seal, and all papers and records of the city. He shall attend all meetings of the common council, and keep a full record of its proceedings. He shall draw and sign all orders on the treasury, except as otherwise provided in this act, in pursuance of an order or resolution of the common council, and shall keep a full and accurate account thereof, in books provided for that purpose. Copies of any and all books, papers, instruments or documents, duly filed and kept in his office, and copies of the endorsements thereon and transcripts from the records and proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, of the contents thereof, and of such endorsements, in like manner and of the same force and effect as if the originals were produced. He shall have power to administer oaths and affirmations authorized by law to be taken. He shall take care that all ordinances, orders, resolutions, regulations, notices and other matters, requiring publication, are promptly and correctly published in the proper papers, and that proof thereof be made and recorded. And he shall perform such other duties as may be required of him by the common council and by the general laws of the state, and the provisions of this act, all without extra compensation. He shall appoint a deputy, in writing under his hand, and shall file such appointment

in his office, and such deputy clerk shall aid in the performance of the duties of such clerk, under his direction, and in case of his absence or disability, or of a vacancy in his office, shall perform all the duties of such clerk during said absence, or until such vacancy shall be filled; and every such clerk and his sureties shall be liable upon his official bond for the acts of his deputy. The salary of the clerk shall include the compensation of his deputy, said compensation to be fixed by the clerk.

Amends chapter 124, laws of 1887.

SECTION 8. Section 15, of title III. as amended by section 3, of chapter 245, laws of 1889, of chapter 124, laws of 1887, is hereby repealed and the following substituted therefor: Section 15. All officers elected or appointed under this act, except as in this act otherwise provided, shall hold their office for the term of two years and until their successors are duly elected, appointed, and qualified, and all elections or appointments to fill vacancies shall be for the expiration of the term of office in which the vacancy is to be filled occurs. The salaries of all officers under this act shall be fixed before the term of office begins, and the same shall be neither increased nor diminished during the term of office for which the salary was fixed; provided, however, that no compensation or salary shall be paid to any school commissioner.

Terms of city officers and their salaries.

Amends chapter 124, laws of 1887.

SECTION 9. Section 4 of chapter 245, of the laws of 1889, as amendatory of section 16, of title III, of chapter 124 of the laws of 1887, is hereby amended so as to read a follows: Section 16 The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one daily newspaper and one weekly newspaper, the one printed in English and the other in German, as the official newspapers, and in which shall be published all ordinances, notices and other proceedings required by this act or by resolution or ordinance of the common council to be published in a newspaper. The city printer or printers, immediately after the publication of any ordinance, resolution or notice, which by this act is required to be published, shall file with the city clerk a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has

Official city paper.

been published and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. The common council shall at the time and in the manner herein provided for fixing salaries, fix the compensation of the official papers for all publications required to be made by them under the city charter. No newspaper shall be designated as the official paper which shall not have been published in said city regularly for at least two years, prior to such first meeting of said common council.

Amends chapter 124, laws of 1887.

Licensing of dogs.

SECTION 10. Section 2, of title IV, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 60. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of dogs. Section 61. It shall be unlawful for any butcher or other person, not having a fixed or permanent place of business within the limits of said city of Sheboygan, to peddle, sell or offer for sale, at retail, from door to door, within the limits of said city, any beef, pork, mutton, lamb or veal, without a license from said city, which license shall be fixed by the common council of said city at a sum not less than fifty dollars ($50.00) per year, payable annually in advance. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00) and costs, or by imprisonment in the common jail for not less than ten days, nor more than thirty days; provided, however, that this section shall not be construed as prohibiting any farmer from disposing of his own production of any of the meats above specified.

Peddling of meat; license therefor.

Amends chapter 124, laws of 1887.

Board of public works may make certain rules and regulations.

SECTION 11. Title V, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 21. The board of public works, with the approval of the common council, may also make rules and regulations for the proper ventilation and trapping of all drains, soil-pipes and fixtures hereafter constructed to connect with or be used

in connection with the sewerage of the city, and the common council may provide by ordinance for the enforcement of such rules and regulations, and may prescribe proper penalties and punishments for the disobedience of the same. The board of public works, with the approval of the common council, may also make rules to regulate the use of vent, soil, drain and sewer piper in all buildings in said city, which hereafter shall be proposed to be connected with the city sewerage, specifying the dimensions, strength and material of which the same shall be made, and which may prohibit the introduction into any building of any style of water fixture, trap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the board shall require rigid inspection by a skilled and competent inspector under the direction of the board, of all plumbing and draining work and sewer connections, hereafter done or made in any building in the city, and unless the same are done or made, and made according to the rules of the board and approved by the board, no connection with the city sewerage shall be allowed.

Amends chapter 124, laws of 1887.

Council may condemn lands for streets, alleys, parks, sites for school and other public buildings; petition therefor.

SECTION 12. Section 1, of title VI, of chapter 124, laws of 1887, is hereby amended, to read as follows: The common council shall have power to condemn lands for streets, alleys, public grounds, parks, squares, cemeteries, sites for school buildings, and other public buildings, and lands to be used for the purposes of drainage and water distribution and other public municipal purposes, not herein enumerated, and to widen change, extend, or enlarge the same, by the following proceedings: Any ten or more freeholders, residing in any ward, may, by petition represent to the common council that it is necessary to take certain lands, within the ward where such petitioners reside, for public use, for the purpose of laying out public grounds, parks, squares, sites for school buildings, and other public buildings, and lands to be used for purposes of drainage and water distribution, and other public municipal purposes, streets and alleys, or to widen, change, extend or enlarge the same, setting forth in such petition the courses and distances of the same, and the metes and bounds of the lands proposed to be taken

together with the names and residence of the owners of such lands, if the same shall be known to the petitioners; and praying that such lands may be taken for such purposes as authorized by law. Every person signing such petition shall write after his signature thereto, a brief discription of his real estate which makes him such freeholder, or of some part thereof, and of his place of residence in the city, and shall make and annex to such petition his affidavit that he is a resident and freeholder of said ward; and such signer making such affidavit shall thereupon be taken to be such resident and freeholder, although it should afterwards appear that in fact he was not such resident or freeholder. Persons in actual possession of real estate under a valid contract for the purchase thereof from the owner, shall be deemed to be freeholders within the meaning and for the purpose of this section before such petition shall be acted upon by the common council. The petitioner shall cause to be executed to the city of Sheboygan, and delivered to the treasurer thereof, for the use of said city, a bond in the penal sum of one thousand dollars, with sureties, to be approved by the comptroller, conditioned that they will prosecute their petition to effect, and pay all costs and charges which the city or any ward thereof, may sustain in consequence of such application.

Amends chapter 124, laws of 1887.

How council may condemn lands.

SECTION 13. Title VI, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 27. The common council may, at its option, condemn lands for any of the purposes mentioned in the first section of this title, either under the provisions of this title or section 927 and sections 895 to 904 inclusive of the revised statutes of 1878, and the acts amendatory thereof, or under the provisions for cities of the first class, as provided by subchapter 17, of chapter 326, laws of 1889, and the acts amendatory thereof.

Amends chapter 124, laws of 1887.

Duty of public works on report of jury.

SECTION 14. Section 6, of title VI, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 6. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for the public use, for the purpose of laying out streets, alleys, public grounds, parks, squares, cemeteries, sites for school buildings, or other public buildings,

or lands to be used for purposes of drainage or water distribution or other public municipal purposes, or to widen, change, extend, or enlarge the same, and such report or any part thereof, shall have been confirmed by the common council, and referred to the board of public works, said board of public works, together with the aldermen of the ward or wards in which the lands to be taken are situated, shall view the premises, to determine whether the costs thereof shall be chargeable as benefits to the lots or lands subject to special assessments therefor, or whether any and what portion of such costs should be chargeable to and paid out of the ward fund of the ward or wards in which such lots or lands are situated, or out of the general fund of the city, or out of both; and if the said board of public work, together with said aldermen, shall determine that any portion of such costs shall be paid out of such ward or general fund, or out of both said ward or general fund, they shall so report in writing to the common council, stating in their report what porportion should be so paid out of said funds, and thereupon the common council shall have power, by resolution duly passed by an affirmative vote of two thirds of all the members thereof, to order the proportion of such costs so reported by said board and aldermen, or any greater or less proportion thereof, to be charged to the ward fund of the proper ward, or the general fund, which shall accordingly be done, and thereafter the lots or lands benefited shall not be assessed for more than the remaining proportion of such costs; provided, nevertheless, that no such resolution shall be passed or have any effect so as to charge the ward fund of any ward, unless the aldermen of such ward shall vote in favor of such resolution.

Amends chapter 124, laws of 1887.

Alteration of grades of streets.

SECTION 15. Title VII, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 22. In all cases in which the grade of any street has been permanently established by ordinance since the incorporation of said city of Sheboygan, or shall hereafter be so established, and after such permanent establishment thereof, and after such street shall have been actually graded to such established grade, the grade so established has been or shall be

altered by the city, the owner of any lot or parcel of land which may be affected or injured in consequence of such alteration or grade, shall be entitled to compensation therefor; and it shall be the duty of the board of public works, before ordering to be done the work of actually changing such established grade by excavating or filling such street to the new grade as so altered, and at the time of making their assessment of benefits as provided in section 6 of this title, to consider, determine and assess against the lots which they may deem benefited by the proposed improvement, to the amount of such benefits, the damages, costs and charges, includ-in the cost of such improvement, arising from such alteration of grade to the owner of any lot, parcel of land or tenement, which may be affected or injured in consequence thereof, taking into consideration in each case any advantages and benefits which may be conferred thereby upon such lots, parcel of land or tenement, in common with other property on the street affected by such grade; and the excess of the said damages, costs and charges over the benefits assessed, as provided in section 6 of this title, shall be paid out of the ward funds of the ward or wards in which such improvement and alteration of grade shall be made; provided, that no owner of any lot, parcel of land or tenement, who shall personally, or by his authorized agent, have signed a petition asking for such alteration of grade, or a petition asking for the grading of a street in conformity with such altered grade shall be entitled to compensation, but every such owner shall be deemed thereby to have waived and relinquished all claim to compensation for any injury in consequence thereof; and no damages, costs or charges arising to such owner from such alteration of grade, shall be assessed or paid to such owner. The time for the payment of said damages and costs shall be the same as that provided by section 9 of this title. Section 23. When a contract is let for doing any work specified herein, chargeable to the abutting real estate, it may provide that the amounts so chargeable may be paid by certificates against the lots or in improvement bonds, or that payment may be partly made in certificates and part in cash or improvement bonds

or both. Section 24. As soon as the amount chargeable to the abutting real estate is finally determined, the council may cause a notice to be published in the official papers, substantially in the following form:

CITY IMPROVEMENT NOTICE.

Form of notice.

Notice is hereby given that a contract has been (or is about to be) let for (..... describe the work and street), and that the expense of said improvement chargeable to the abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments, and such bonds, will be issued conveying all of said assessments except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments on their property, describing the same, on presentation of the certificates. Section 25. After the expiration of said thirty days, the council may issue improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of said city and contain such recitals as may be necessary to show that they are chargeable to particular property, specifying the same and the number and amount of said bonds. Section 26. Said bonds shall be semi-annual interest coupon bonds, payable at the option of the city after five years and absolutely at the expiration of seven years from their date, and shall draw interest at a rate not exceeding six *per centum per annum*. Section 27. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office. Section 28. The city treasurer shall pay the interest on and principal on said bonds as the same become due and charge the amount to the proper fund. Section 29. In each year after the issuing of said bonds, when the tax-

Improvement bonds may be issued.

Conditions of bonds.

City clerk to record statement with bonds in his office.

Payment of interest and principal on bonds.

One-fifth of special assessment on each lot to be included in tax roll.

roll for the year is prepared, one-fifth of the special assessment on each parcel of property covered by said bonds, with six *per centum* interest on the amount of said special assessment, shall be extended on the tax-roll as a special tax on said property, and thereafter the tax shall be treated in all respects as any other city taxes, and when collected the same shall be credited to the fund against which payments on said bonds are charged.

Action not maintainable after bonds issued.

Section 30. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

Amends chapter 124, laws of 1887.

Assessment of special tax for improvements.

SECTION 16. Section 8, of title IX, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 8. After any contract for work under this act, to be paid for in whole or in part by special assessments, shall have been entered into, the board of public works shall make or cause to be made an assessment against all lots, parts of lots and parcels of land fronting or abutting on the work so contracted to be done on each side of the same for the whole length thereof, and which have not before been assessed for sewerage purposes, at the rate of sixty-five cents per lineal foot of the entire frontage of such lot, part of lot or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots, constituting the actual corner or corner lots, subdivided in ownership, shall be entitled to a deduction in making such assessment of one-third from the aggregate of the street lines of such corner lots or corner subdivisions thereof, in all streets in front thereof, such deduction to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof, or in case of equal street lines, then in the assessment of the second sewer for which they are liable; provided, however, that when the actual cost of any such sewer shall not exceed one dollar and thirty cents per lineal foot, then, and in that case, the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abut-

ting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided, and when the divisions thereof are owned by different persons, no subdivisions of such lot, not fronting or abutting on such sewer, and not owned by the same person who owned the subdivision of such lot fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Amends chapter 124, laws of 1887.

SECTION 17. Title IX, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 23. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of said sewer, may cause a notice to be published in the official papers of the city once in each week for six successive weeks, substantially in the following form:

Form of notice of issuance of improvement bonds to be published in official city paper.

IMPROVEMENT BONDS.

FOR SEWERAGE ASSESSMENTS.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (Describe the street or alley); that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required, to file their notice to that effect with the said clerk before the expiration of thirty days from the date of this notice; that the city will issue its *per centum* semi annual interest coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on the presentation of the certificats in the manner stated;

the said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated the ..... day of ....., 18..

.....

City Clerk of the city of Sheboygan.

Council may issue coupon bonds to cover special assessments. Conditions of same.

Section 24. The city council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from the date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six *per centum per annum*; shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk and be sealed with the official seal of the city. Section 25.

Sale of bonds.

Said bonds may be sold by the common council at not less than par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value.

Levy of tax to pay principal and interest on bonds.

Section 26. The city shall pay the principal and interest on said bonds as they fall due, and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the following manner: Section 27. The city clerk shall in each year for five years succeeding the issue of said bonds enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds one-fifth of the special assessment as to each said parcel of land with six *per centum* interest on the whole amount of said special assessment on such parcel of land then unpaid. Such tax shall be treated in all respects as any other city tax, and when collected, shall be credited to the sewerage fund of said city. Section 28. After the issue of said bonds, no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section.

One-fifth of special assessment each year to be entered on tax roll.

Action not maintainable to avoid tax after bonds issued.

Board of health abolished and title XII, of chapter 124, laws of 1887, repealed.

SECTION 18. The board of health of the city of Sheboygan is hereby abolished and title XII, of chapter 124, laws of 1887, is hereby repealed and the following substituted therefor:

TITLE XII.

Section 1. It shall be the duty of the mayor of the city of Sheboygan, once in three years, to nominate a regularly licensed physician as commissioner of public health, who shall be confirmed by the common council, and who shall hold his office for the term of three years, and until his successor shall be appointed and qualified. Section 2. It shall be the duty of the commissioner of public health to provide such rules and regulations as shall be requisite and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases, and to cause the removal of all objects detrimental to the health of the people of the city, and to enforce such rules and regulations as hereinafter provided. Section 3. All rules and regulations prepared by the commissioner of public health shall be by him reported to the common council, and if the common council shall confirm the same by a vote of a majority of the members thereof, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances. Section 4. The commissioner of public health shall also, from time to time, recommend to the common council such sanitary measures to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health. Section 5. It shall be the duty of the common council to provide an office for the commissioner of public health, and to fix his salary, which shall be paid out of the city treasury as the salaries of other city officers are fixed and paid, and to provide for him such assistants as may be necessary, and to fix their salaries. Section 6. The commissioner of public health shall also discharge such duties not herein enumerated as may from time to time be imposed upon him by the common council by ordinance or resolution; and he shall make such reports to the state board of health, and generally perform such duties as are or may be required of health officers by the general laws of the state.

Appointment of commissioner of health, term of office; powers and duties of commissioner.

Rules and regulations to be reported to council.

Recommendations.

Office to be provided for commissioner.

Council may impose additional duties.

Amends chapter 124, laws of 1887.

Fund for relief of injured firemen.

SECTION 19. Title XIII, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 7. The common council may establish a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active firemen to contribute not to exceed two *per centum* of their wages to said fund.

Amends chapter 124, laws of 1887.

Fund for relief of injured police officers.

SECTION 20. Title XIV, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 10. The common council may establish a fund for the relief of policemen injured in the discharge of their duties, and for the relief of the families of policemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active policemen to contribute not to exceed two *per cent.* of their wages to said fund.

Amends chapter 124, laws of 1887.

Fees of municipal judge.

SECTION 21. Section 4, of title XV, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 4. The same fees in all civil actions, that are now allowed by law to justices of the peace, and one dollar in addition thereto for all civil actions where the amount involved shall exceed two hundred dollars, it shall be lawful for said municipal judge to charge and collect, and the further salary of not less than thirteen hundred dollars, for his services in conducting criminal trials and examinations, to be fixed by the common council, at least three months before the commencement of his term of office; but the salary of the judge to be elected on the first Tuesday of April, 1891, under this act, shall be thirteen hundred dollars *per annum*, and such salary and the salary fixed by the common council shall be neither increased nor diminished during the term of office for which the same was fixed; such salary to be paid quarterly, and the said judge shall pay over to the treasurer of the city of Sheboygan at the end of each quarter all fines and penalties imposed by virtue of the charter, ordinances and regulations of said city which may have been

collected by him, together with his fees in the same, and also of his fees collected by him in criminal cases. The said judge shall pay over to the treasurer of the city of Sheboygan at the end of each year all fees collected by him of the county of Sheboygan, arising out of actions brought under the general laws, and for which the county is liable, and it shall be lawful for said municipal judge to collect the same fees against the county of Sheboygan, in either civil or criminal cases, that are now allowed by law to justices of the peace, but he shall in no case be allowed to collect fees against the city of Sheboygan in either civil or criminal cases. He shall at the end of each quarter make a statement to the city clerk in the same manner that justices of the peace are required by law to make to the county board, and also make a statement to the county board as required by law of justices of the peace and all laws relating to justices of the peace in relation to making statements to the county board shall also apply to the said municipal judge.

Amends chapter 124, laws of 1887.

SECTION 22. Section 5, of title XV, of chapter 124, laws of 1887, is amended to read as follows; Section 5. The judge of said municipal court may provide a seal for his said court and all papers, depositions, certificates, acknowledgments, examinations, and other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record. And the said court and the judge thereof shall be entitled to the supreme court reports and to all such public reports and documents, as are now delivered by law to the several judges of the courts of record of this state.

Seal of municipal court.

Amends chapter 124, laws of 1887.

SECTION 23. Title XV, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 10. Whenever the accused, tried under the provisions of the charter, ordinances, or regulations of the city of Sheboygan, or the provisions of the general laws, of which the municipal judge of the city of Sheboygan shall have jurisdiction to try and determine, either by the court or by a jury, shall be acquitted, he shall be immediately discharged, and if the court before whom the trial is had

Action of municipal court on trial of accused. Collection of judgments.

shall certify in his docket that the complaint was willful and malicious, and without probable cause, he shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court, and sheriff, or constable and jury, and the fees of witnesses in the proceedings had upon such complaint. The complainant may stay such judgment for thirty days by giving satisfactory security by bond to the state, with one or more sureties, conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give said security, or shall neglect to pay such costs, then in such case, the court before whom the cause is tried may, in case the complainant shall have given security for costs in the manner provided in section 4,771 of the revised statutes, issue execution on said judgment against both the complainant and the surety; and if the complainant does not satisfy the execution, and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the surety; and in case the complainant has not given such security for costs, the court before whom the case is tried may issue execution on said judgment against the person of the complainant, in the same manner and to the like effect as is now provided by law in cases when execution may issue against a defendant in actions founded in tort; but the defendant in such judgment shall have the right of appeal therefrom as in civil cases tried before a justice of the peace, and the case shall be tried and determined by the court on such appeal upon the record and evidence in the case duly certified and returned by the magistrate.

Amends chapter 124 laws of 1887.

Annual levy of taxes for various purposes.

SECTION 24. Section 2, of title XVII, of Chapter 124, laws of 1887, is hereby amended to read as follows: Section 2. The common council of said city shall have the power to levy annually for the general fund of said city, and for a fund to erect or purchase a gas or electric light plant, a tax not exceeding five mills on each dollar of taxable property of said city, as shown by the assessment roll of the year. For the school fund a tax not exceeding ten mills on each dollar of tax-

ible property of said city to meet the expenses of purchasing school grounds for school buildings, the building and repair of school buildings, for the purchase of school apparatus and fixtures, and supporting and maintaining schools within said city. For the fire fund a tax not exceeding five mills on each dollar of the taxable property of said city, to meet the expenses of purchasing and repairing fire-engines and horses for the fire department and fire apparatus, and the building and repairing of engine houses and to provide for such other means for fire protection as may be adopted, and all other requirements of the fire department of said city. A tax not exceeding five mills on each dollar of the taxable property of said city for the purpose of paying the annual rental of hydrants and other expenses connected with the water works of said city. For the bridge and viaduct fund, a tax not exceeding ten mills on each dollar of taxable property of said city, for the building and repairing of bridges and viaducts. For the bond fund, a tax not exceeding ten mills on each dollar of taxable property of said city, to pay the accrued and accruing interest on the bonded indebtedness of the city, to provide a sinking fund to pay the bonds of said city when due, and for compromising the bonded indebtedness of said city. For ward funds, a tax not exceeding five mills on each dollar of taxable property of the respective wards of said city as shown by the assessment roll of the year. For the sewerage fund, a tax not exceeding five mills on each dollar of the taxable property of said city, as shown by the assessment roll of the year. For the cemetery fund, a tax not exceeding one mill on each dollar of the taxable property of the city as shown in the assessment roll of the year. For the poor fund, a tax not exceeding three mills on each dollar of the taxable property of the city, as shown by the assessment roll of the year.

SECTION 25. Title XVII, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 12. A sufficient portion of the moneys received for licenses of all kinds, to pay all interest on the outstanding bonded indebtedness of the city for the ensuing year, and such *per centum* of the principal of such bonded

Amends chapter 124, laws of 1887.

Disposition of license moneys.

indebtedness as may be provided for by resolution adopted by at least a majority of all the members of the common council-elect; provided, however, that said amount shall not exceed three *per centum* of the principal of such indebtedness, shall be set aside for that purpose and placed in a special fund on the first day of June in each year. If any of said bonds are due and there is money available to pay the same, the treasurer shall call in such bonds in their order. If no bonds are then due, the treasurer may advertise for proposals to sell bonds to the city, in such manner as the common council may direct, and shall take up the lowest offers, sufficient to exhaust the money available for such purpose. Section 13. The common council shall have authority to issue bonds for the following purposes only:

Council may issue bonds for certain purposes.

First. Building school houses.

Second. Building bridges and viaducts.

Third. Building public buildings for the use of the city.

Fourth. Purchase of apparatus for fire protection.

Fifth. Construction of main sewers.

Sixth. Water works.

Seventh. Public parks.

Eighth. To erect or purchase gas or electric light plant.

Provided that no such bonds shall be issued unless authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council-elect. Said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official papers of the city; and provided further, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city, shall exceed five *per centum* of the assessed valuation of such city at the assessment preceding the issue of such bonds; and provided further, that all such bonds issued shall be payable at the pleasure of the city in not more than five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six *per centum per annum*, payable semi-annually.

SECTION 26. Title XXII, chapter 124, laws of 887, is hereby amended by adding thereto the ollowing: Section 19. When any heinous of-ense or crime has been committed against life or roperty within the city, the mayor, with the con-ent of a majority of the aldermen, may offer a eward for the apprehension of such criminal or erpetrator of such offense.

Amends chapter 124, laws of 1887.

Rewards may be offered for the apprehension of criminals.

SECTION 27. This act is to be taken as an mendment to the charter of the city of Sheboy-an, being chapter 124, of the laws of 1887, and ne various laws amendatory thereof, and any arts or portions of said charter, and any pro-isions therein which are inconsistent with this ct, or not in harmony with its provisions are de-lared to be modified, amended, superseded or re-ealed by this act, as the intention herein declared nay require.

Repealing clause.

SECTION 28. This act shall take effect and be n force from and after its passage and publica-ion.

Approved April 18, 1891.

No. 490, A.] [Published April 30, 1891.

CHAPTER 304.

AN ACT to amend the charter of the city of Green Bay.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. Chapter II, of chapter 169, of the aws of Wisconsin for the year 1882, is hereby mended by adding thereto the following: Sec-ion 21. In all actions brought to recover any enalty or forfeiture, under this act, or any by-aw, ordinance or regulation made in pursuance hereof, and in all prosecutions for the violation f any of the provisions of this act or any by-aw, ordinance or regulation made in pursuance

Amends chapter 169, laws of 1882.

Security for costs.

thereof, the police justice may require the complainant to give security for costs either before or after the issuing of process; and if he shall certify in his docket, that the complaint was willful and malicious, or without probable cause, he shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court, sheriff or constable, and the fees of witnesses in the proceedings had upon said complaint; which judgment shall be collected and enforced, against such complainant and surety in the manner and form as prescribed by section 4760, of the revised statutes of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 18891.

No. 155, A.] [Published May 4, 1891.

CHAPTER 305.

AN ACT to amend chapter 134, of the laws of 1889, relating to the charter of the city of Onalaska.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 134, laws of 1889.

Board of education to elect president; his duties.

SECTION 1. Section 4, of chapter 7, of chapter 134, of the laws of 1889, is hereby amended to read as follows: Section 4. The board of education shall at its regular meeting in July of each year, elect one of its members president, who shall preside at all meetings of the board and preserve order and decorum thereat, and decide all questions of order subject to the appeal of the board. He shall sign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and other necessary expenses of the board of education, and in suits brought against the school district he shall appear in behalf of the district, unless some other

provision is made by the board of education. He shall declare all votes on questions coming before the board, and on all questions appropriating money, or adopting text-books, the vote shall be taken by ayes and noes, and recorded; on any other question the ayes and noes shall be called when any member shall request it. In the absence of the president the board shall elect a president *pro tempore*.

Amends chapter 134, laws of 1889.

City superintendent of schools; his election powers and duties.

SECTION 2. Chapter 7, of chapter 134, of the laws of 1889, is further amended by adding thereto, after section 6, the following subdivisions: The board of education shall, at its regular meeting, held on the first Monday of July, 1891, or within fifteen days thereafter, elect some suitable person, having the necessary qualifications, as city superintendent of schools, who shall hold his office until the first Monday in July, 1892, and until his successor shall be elected and qualified; and thereafter, the board of education shall annually, at its first regular meeting on the first Monday of July of each year, or within fifteen days thereafter, elect a city superintendent of schools, whose term of office shall commence on the first Monday in July, and said superintendent shall continue in office one year, and until his successor is elected and qualified, unless removed by a two-thirds vote of the common council for misconduct or other sufficient cause. And it shall be the duty of the board of education to supply by election any vacancy which may occur from time to time in said office of school superintendent, by death, resignation or otherwise. The city superintendent shall, in addition to his other duties, act as secretary to the board of education, and the common council shall have power to fix the compensation of the city superintendent. The superintendent of schools shall have and exercise the following powers and duties:

Amends chapter 184, laws of 1874.

Striking out provision for service of notice on owner of land.

First. He shall examine all teachers making application for schools, and such examination shall be public; provided, that said superintendent shall have authority in his discretion, when not otherwise directed by the board of education, to issue such certificates to any applicant or applicants who may have been already once examined and licensed by him, as aforesaid, in any previous year, without re-examination of such

applicant or applicants; and also to issue certificates to persons holding a state certificate or a diploma as a graduate of a normal school in the state of Wisconsin, without examination.

Secondly. He shall carry into effect the ordinances of the common council, and the rules and regulations of the board of education in reference to the schools of the city.

Thirdly. He shall visit all the schools of the city at least once a month during each term, and report the condition to the board of education with such suggestions for their improvement as he may deem proper.

Fourthly. He shall report for the consideration of the board of education, such text-books as he may think advisable and proper for the use of the schools, and suggest such alterations therein, from time to time, as he may think most beneficial for the schools in said city.

Fifthly. He shall take or cause to be taken, the school census in the manner, and at the time provided by law for taking such census, and shall make out and transmit to the state superintendent, a report containing the facts set forth in the general school laws of the state, a copy of which report he shall present to the board of education at the next meeting thereof.

SECTION 3. This act shall take effect and be in force on and after the date of its passage and publication.

Approved April 17, 1891.

No. 299, S.] [Published April 24, 1891.

CHAPTER 312.

AN ACT to amend section 11, of chapter 6, of chapter 184, laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Amends chapter 224, laws of 1889.

Service of notice.

SECTION 1. Section 11, of chapter 6, of the charter of the city of Milwaukee, as amended by section 11, of chapter 524, of the laws of 1887, and by chapter 224, of the laws of 1889, is hereby further amended by repealing, annulling and striking out of said section, the following: "And the said board of public works shall at said time cause a written or printed copy of said notice to be mailed or personally served upon or delivered to the owner or occupant of all lands assessed for benefits in any such proceeding, directed to the place where the land so assessed is situated."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1891.

No. 502, A.] [Published April 28, 1891.

CHAPTER 316.

AN ACT to amend section 8, of chapter 8, of chapter 184, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874.

Sewer contractor's bond.

SECTION 1. Section 8, of chapter 8, of chapter 184, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof, is hereby amended by adding at the end of said section the following: Provided that any contractor for such work may procure from the board of public works a license as a sewer contractor, and at the time of procuring such license he shall file with said board a bond in the penal sum of five thousand dollars, which bond shall be approved as to form and manner of execution by the city attorney and as to the sufficiency of the sureties therein by said board of public works prior to their accepting and filing the same, which said bond shall be conditioned that such contractor and bidder will execute and perform the work for the price mentioned in his proposals and according to the plans and specifications on file in case the contract shall be awarded to him, and in case of default on his part to execute a contract with satisfactory sureties and to perform the work for which he bid, said bond shall be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof; which penalty shall be agreed upon as liquidated damages, unless the common council shall by resolution direct that no action shall be commenced. The bond herein provided for shall be renewed as often as required by said

board, and shall be taken and accepted by said board until the license hereinbefore mentioned is revoked by said board, as and in lieu of the preliminary bond accompanying bids and proposals provided for in section 9, of chapter 5, of the charter of the city of Milwaukee; nothing herein contained, however, shall prevent any person from making and presenting a bid and proposals pursuant to the provisions of chapter 5, of the charter of said city; so that said section when amended shall read as follows, to-wit: Section 8. After the common council shall by resolution or otherwise, have ordered the construction of any sewer, the board shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared, and put on file in their office, for the examination and guidance of bidders, plans and specifications describing the particular work to be done, and the kinds and qualities of materials to be used, as directed by the common council, and shall let the contract to the lowest responsible and reliable bidder, subject however, to the provisions of chapter 5, of this act. Provided, that any contractor for such work may procure from the board of public works a license as a sewer contractor, and at the time of procuring such license he shall file with said board a bond in the penal sum of five thousand dollars, which bond shall be approved as to form and manner of execution, by the city attorney, and as to the sufficiency of the sureties therein by said board of public works prior to their accepting and filing the same, which said bond shall be conditioned that such contractor and bidder will execute and perform the work for the price mentioned in his proposals and according to the plans and specifications on file in case the contract shall be awarded to him, and in case of default on his part to execute a contract with satisfactory sureties, and to perform the work for which he bid, said bond shall be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof, which penalty shall be agreed upon as liquidated damages, unless the common council shall by resolution direct that no action shall be commenced. The bond herein provided for shall be renewed as often as required by said board, and shall be taken and

accepted by said board until the license hereinbefore mentioned is revoked by said board as and in lieu of the preliminary bond accompanying bids and proposals provided for in section 9, of chapter 5, of the charter of the city of Milwaukee; nothing herein contained, however, shall prevent any person from making and presenting a bid and proposals pursuant to the provisions of chapter 5, of the charter of said city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1891.

No. 795, A.] [Published May 4, 1891.

CHAPTER 317.

AN ACT to amend chapter 49, of the laws of 1887, entitled "An act to incorporate the city of Onalaska."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 49, laws of 1887.

SECTION 1. Section 4, of subchapter 4, of chapter 49, of the laws of 1887, as amended by chapter 134, of the laws of 1889, is hereby amended by adding thereto at the end thereof a new subdivision as follows:

Taxing and licensing of peddlers, auctioneers, etc.

18. To tax, license and regulate auctioneers and peddlers subject, however, to the provisions of general statutes in that behalf, pawn-brokers and all keepers or proprietors of intelligence offices, junk shops, and places for the sale and purchase of second hand goods, wares, and merchandise and other commodities, and persons therein engaged, and to fix and regulate the amount of license under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employment without license, and to regulate the manner in which they shall

be carried on or used; provided, that no such license shall be granted for a less term than three month nor more than one year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1891.

No. 393, A.] [Published May 4, 1891.

CHAPTER 319.

AN ACT to amend chapter 244, of the laws of 1889, relating to improvement of streets in the city of Madison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 244, laws of 1889.

Street improvements how made and paid for; issuance of special street improvement bonds.

SECTION 1. Section 2, of chapter 244 of the laws of 1889, is hereby amended so as to read as follows: Section 2. Section 14, of chapter 6, of chapter 36, laws of 1882, is hereby amended so as to read as follows: Section 14. Whenever the owners of more than one-half of the frontage of the lots upon that part of any street proposed to be improved shall petition the common council to improve such street or part of street, by stone paving, macadam or otherwise as set forth in such petition, the common council shall order such improvement to be made as shall be fully specified by the city surveyor and approved by the mayor, and upon advertisement, which shall set forth clearly such specifications, may contract for such work to be done by the lowest responsible bidder, if deemed reasonable in cost. Provided, that such improvement, unless made to connect with street somewhat similarly improved, shall be made to extend upon such street, not less than the length or width of three blocks of lots, and the street crossings between. The cost of such improvement when made, shall be assessed to the respective owners of the lots fronting on such street, in the ratio of

each owner's number of feet front, to the entire length of such improvement, exclusive of street crossings, which shall be charged to the city as its proportion of expense, and such crossings shall be made to conform with the street so improved. In order to provide for the payment of any such street improvement, the common council may issue bonds of the city in sums of one hundred dollars each, with six *per cent.* interest annually, payable in ten equal annual installments, which installments shall be in the form of yearly coupons attached, each coupon to be of an amount which shall be one tenth of the unpaid principal and six *per cent.* interest upon the unpaid part of the said bond to the first day of May when payable, each year, or such bonds with or without coupons payable at such times as it may prescribe. Such bonds to be designated as "special street improvement bonds," and shall be received by the city, if presented in payment for any special tax for which such bond was issued. Upon the assessment being once made as herein provided, there shall be levied annually for ten years a special tax upon the property so assessed, of such an amount as will be required to pay one tenth of the proportionate cost of such improvement, and the six *per cent.* interest thereon, upon any unpaid portion to the first day of May following the date of the warrant for collecting the same; provided, that any lot owner or lot owners may at any time, pay the entire principal sum due, with the interest up to the first day of May following such payment, whereupon the lot so paid for shall cease to be specially taxed therefor. All special taxes levied in accordance with the provisions of this section shall be paid or collected in the same manner as other city taxes. Such bonds may be issued both for the payment of the cost of said improvement in front of the lots of the respective owners, and for the payment of the improvement upon said street crossings. The bonds for the improvement of such street crossings shall be of the same denominations and bear the same rate of interest as the other bonds mentioned herein, and shall be payable in ten annual installments, which installments shall be in the form of yearly coupons attached, each

coupon to be of an amount which shall be one-tenth of the unpaid principal, and six *per cent.* interest upon the unpaid part of said bond to the first of May, when payable each year; or such bonds may be issued with or without coupons payable at such times as may be prescribed. Such bonds for the improvement of street crossings shall be designated as "special street improvement bonds" When any assessment is made pursuant to this section there shall be levied annually for ten years, a tax of such an amount as will be required to pay one-tenth of the proportionate cost of such improvement for said street crossings and the six *per cent.* interest thereon upon any unpaid portion to the first of May following the date of the warrant for collecting the same. All taxes levied in accordance with the provisions of this section, shall be paid or collected in the same manner as other city taxes; and said bonds for the improvement of street crossings shall be paid as aforesaid, and out of the general fund. The common council of the city of Madison is hereby empowered to pass any ordinance which it may deem advisable or necessary to carry the provisions of this section into force and effect.

Amends chapter 7, laws of 1882, as amended.

When council may borrow money; issuance of bonds to refund indebtedness, etc.

SECTION 2. Section 2, of chapter 7, of the laws of 1882, as amended by section 11, chapter 269, laws of 1887, and by section 3, chapter 244, laws of 1889, is hereby amended so as to read as follows: Section 2. The common council shall have no power or authority, and it is hereby prohibited from borrowing any money or from authorizing any city officer to borrow money for the use of the city, nor shall it have power or authority to issue any bonds, or to contract or create any debt for any purpose whatever, unless there is money in the city treasury for the payment of the same, except for such work on the streets as shall be paid by special tax or assessment on the property benefited thereby, and except as hereinafter expressly provided. The common council shall have power to issue bonds for street improvements, as provided in the last section, to refund existing indebtedness, and to issue bonds therefor, payable within twenty years, at a rate of interest not exceeding six *per cent. per annum;* it shall have

power to borrow money for the construction of water works, to issue bonds therefor, payable within twenty years, and at a rate of interest of five *per cent. per annum*, and no bonds shall be issued, unless the same shall be authorized by a vote of not less than two-thirds of the members of the common council taken by ayes and noes at a regular meeting thereof and duly recorded upon the journal of the council, and such bonds shall not be sold or disposed of for less than their par value. No certificate of indebtedness shall be drawn on the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by the ayes and noes upon the journal for the council, and no money shall be appropriated for any expenses whatsoever, except such as is expressly authorized by this act; provided, that the sum of five thousand dollars, now in the water fund of said city, shall by a vote of the common council be transferred from the city water fund, arising from the three mills levied and collected upon the assessed value of the real and personal property of said city, to be used for the payment of the principal and interest of the bonded debt of the city; and provided further, that an additional sum of seven thousand dollars, now in the water fund of said city, be transferred to the general fund of said city, and the treasurer of said city is hereby directed to make transfer of the said sums above named, in the manner and for the purposes above specified and determine, immediately upon such a vote having been taken by the common council.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1891.

No. 127, S.] [Published May 4, 1891.

CHAPTER 323.

AN ACT to amend the charter of the city of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 4 and 6, of chapter 6, as enacted under chapter 246, of the laws of 1887, entitled "An act to amend the charter of the city Waupaca," is hereby amended so as to read as follows: Section 4. Sidewalks shall be constructed upon the proper grade of any street in such city, of such width and in such manner, and of such materials and in such time as the common council by ordinance shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered, and the same shall thereafter be maintained by such city. Section 6. Whenever a sidewalk or gutter shall be out of repair and shall be dangerous to public safety or travel, it shall be the duty of the street commissioner to repair the same immediately at the expense of such city.

Amends chapter 246, laws of 1887.

Construction of sidewalks.

Repair of sidewalks.

SECTION 2. All acts or parts of acts conflicting herewith are hereby repealed.

Repealing clause.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1891.

No. 815, A.] [Published April 28, 1891.

CHAPTER 328.

AN ACT amending the charter of the city of Milwaukee, and providing for the appointment of assistant assessors therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of assistant assessors.

SECTION 1. It shall be lawful for the common council of the city of Milwaukee, to provide by resolution or ordinance, either for extra compensation or assistants to those assessors, whose wards or districts have been enlarged and whose labor has been increased by annexation of additional territory to the city. Such assistants, if needed, shall be appointed in the same manner as assessors, and shall be residents of the respective wards for which they are appointed. They shall enter upon their duties under the direction of the tax commissioner, for such time and at such compensation as the common council shall determine. They shall take the oath required of city officers and shall have the same authority under the law as regular assessors. Where an assessor and an assistant assessor, shall be appointed for any ward, the tax commissioner shall designate the property and territory to be assesed by each.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1891.

No. 689, A.] [Published May 4, 1891.

CHAPTER 337.

AN ACT to amend section 10, of chapter 177, of the laws of 1889, entitled, "An act to amend subchapter 12, of chapter 164, of the laws of Wisconsin for the year 1885, and relating to sewers and sewerage in the city of Chippewa Falls."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 10, of chapter 177, laws of 1889, entitled, "An act to amend subchapter 12, of chapter 164, of the laws of Wisconsin for the year 1885, and relating to sewers and sewerage in the city of Chippewa Falls," is hereby amended so as to read as follows: Section 10. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment certificates against the lots, parts of lots, or parcels of land as heretofore directed to be assessed, so far as the same will go, in liquidation of the amount of such contract, which certificates shall be properly placed in the tax roll as all other claims and certificates against the city are placed for collection, and shall be entitled to receive city orders for the balance due, payable only out of the funds of the proper district; and it shall be the duty of the board of public works, after the completion of any contract, and acceptance of the work, to issue such certificates on the request of the person entitled to receive the same; and when any sum is found to be due a contractor, over and above the amount of certificates so to be issued and received in part payment, to certify the same to the common council, which may direct an order to be drawn on the proper fund to pay the same. All certificates of such special assessment for building sewers, shall be signed by the mayor and the clerk of said city, and countersigned by the auditor thereof, and shall bear interest at a rate not exceeding six *per centum per*

Amends chapter 177, laws of 1889.

Sewer contractors; how paid; collection of sewer certificates.

annum, at the option of said council, and shall be delivered to the person or persons entitled to receive the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1891.

No. 831, A.] [Published May 8, 1891.

CHAPTER 356.

AN ACT amending section 5, of chapter 15, of chapter 154, of the laws of 1885, relating to the city of Chippewa Falls, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 164, laws of 1885.

SECTION 1. Section 5, of subchapter 15, of chapter 164, of the laws of 1885, relating to the city of Chippewa Falls, is hereby amended by inserting after the second line in said section a new subdivision to be entitled subdivision 1, which shall read as follows: Subdivision 1. The board of education shall, at its first regular meeting in June of each year, or as soon thereafter as is possible, elect a city superintendent of schools, whose duty shall be to examine all applicants for teachers' positions in the schools of said city, in the branches required by law and issue certificates to such as are found worthy, and to perform all other duties as are required by law to be performed by county superintendents in their respective jurisdictions. The principal of said schools is not to hold said office.

City superintendent of schools.

Numbers of subdivisions changed.

SECTION 2. Subdivision 1 in said section 5, shall be known as subdivision 2; subdivision 2 as subdivision 3: subdivision 3 as subdivision 4; subdivision 4, as subdivision 5; subdivision 5 as subdivision 6.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1891.

No. 163, A.] [Published May 12, 1891

CHAPTER 372.

AN ACT to amend the charter of the city of Milwaukee, in relation to street sprinkling.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 26, of chapter 7, of the charter of the city of Milwaukee, as amended by section 24, of chapter 324, of the laws of 1882, and amended by chapter 420, of the laws of 1887, is hereby further amended so as to read as follows: Section 26. The common council is hereby authorized, in its discretion, to provide for the purchase of tanks, suitable for the sprinkling of streets, to be kept and owned by the city, and may cause the work of sprinkling the streets to be done by men and teams employed for that purpose by the board of public works, and under its direction, using the said sprinkling tanks of the city; and in such case it shall be the duty of the board of public works to keep a strict account of the cost of such sprinkling done in front of each lot or parcel of land, and to make a report thereof to the comptroller on or before the 15th day of November in each year, and such cost shall be charged and assessed upon the property in front of which such sprinkling is done, in like manner as provided in and by section 24, of the subchapter hereby amended, as amended by chapter 254, of the laws of 1881; provided, however, that in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Eleventh, Twelfth and Thirteenth wards of the city, the cost of such sprinkling done in said wards shall be charged to and paid out of the ward funds of said wards respectively, and no assessment upon the property in front of which said sprinkling is done shall be made therefor.

Amends charter as amended.

Sprinkling of streets.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1891.

No. 529, A.] [Published May 12, 1891.

CHAPTER 375.

AN ACT fixing the salary of the deputy comptroller of the city of Milwaukee and amendatory of the charter of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary.

SECTION 1. The salary of the deputy comptroller of the city of Milwaukee is hereby fixed at the sum of twenty-two hundred dollars *per annum.*

Amends chapter 184, laws of 1874.

SECTION 2. This act is amendatory of the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, and the various acts amendatory thereof, and any of the provisions thereof inconsistent or in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1891.

No. 321, A.] [Published June 1, 1891.

CHAPTER 382.

AN ACT to amend section three (3), of subchapter 5, of chapter 164, of the laws of Wisconsin for the year 1885, entitled, "An act to revise the charter of the city of Chippewa Falls."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 164, laws of 1885.

License; minimum limit of fee for liquor license.

SECTION 1. The first subdivision of section 3, of subchapter 5, of chapter 164, of the laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: 1st. To license, suppress and prohibit the exhibition of common showmen or

shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement or removal of all nuisances under the ordinances of said city, the laws of the state or at common law, and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than three hundred dollars; any general law te the contrary notwithstanding, except druggists' licenses, which shall be fifty dollars, unless fixed by general law, and that all such licenses hereafter granted shall run from the first day of May in each year. All licenses hereafter granted shall expire on the first day of May after the same are so granted, and if any license is granted after the first day of May in any year, the full amount prescribed for a term of one year shall be paid. No license shall be transferred or money paid therefor be refunded except by vote in favor of the same of three fourths of all the members of the common council elected; provided, further, that where an application for a license shall once be denied, the council shall not have authority until after the succeeding first day of May to receive, consider or grant any license for dealing in or vending spirituous, vinous or fermented liquor by the same person, when denial is on account of the person, or on the lot mentioned in the first application, if such denial is on account of the location; provided further, that no license shall be granted except by a majority vote of all the members of the common council elected. And any persons to whom license is granted shall give bonds in such sum as the council may determine, with two or more sureties, and no person shall sign more than two bonds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1891.

No. 451, A.] [Published April 27, 1891.

CHAPTER 386.

AN ACT to amend chapter XII of the charter of the city of Milwaukee and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends city charter.

Amend chapter XII of the charter of the city of Milwaukee, relating to public schools, so that said chapter, when amended, shall read as follows:

SCHOOL BOARD, HOW ELECTED, TERM OF OFFICE, ETC.

School board, how constituted.

SECTION 1. The public schools of the city of Milwaukee shall be under the general management, control and supervision of a school board, consisting of two persons from each ward, to be appointed by the aldermen of such ward, subject to confirmation by the common council. The members of said board shall hold their offices for three years unless sooner removed; provided, that the present school commissioners shall remain in office for the terms for which they have been elected respectively.

PRESIDENT; HOW ELECTED.

Vacancies, how filled.

A president shall be elected by said board, who shall be a member thereof, and in his absence shall elect a president for the time. The seat of any member shall be declared vacant and the common council shall proceed to choose a successor to any member who shall be reported to the common council as having been absent for four successive meetings of the school board without a satisfactory excuse.

OFFICIAL OATH, LIABILITIES, DISABILITIES AND DUTIES OF SCHOOL BOARD.

SECTION 2. The members of the school board shall take the official oath, and be subject to all

the restrictions, disabilities, liabilities, punishments and limitations prescribed by the law as to the aldermen in said city of Milwaukee, and they shall be exempt from jury duty. The council may remove any member of the board for causes for which aldermen are removable. The school board shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to their order, without any previous ordinance or resolution of the common council. A majority of the members of the board who have duly qualified shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

Not to contract debt greater than amount of funds subject to their order

POWER AND AUTHORITY OF SCHOOL BOARD.

SECTION 3. The school board of the city of Milwaukee is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public or common schools in addition to those already established in said city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of this state to instruction therein; and the common council shall erect, purchase, hire or lease buildings and furniture, and lots for the accommodation of such schools, and the high schools of said city, and shall improve and enlarge such school buildings. The school board shall also have power to establish and define, from time to time, the boundaries of all common school districts in the city in such manner as they may deem best calculated to promote the interests of the schools. The school board shall also have power to employ all janitors necessary in the school houses, and to fix their compensation.

May establish additional public schools, and may purchase or lease lands and buildings therefor.

SCHOOL HOUSES AND GROUNDS, CITY PROPERTY.

SECTION 4. The school houses now erected, and the lots on which they are situated, and the lots now or hereafter purchased for school purposes, and the school houses thereon erected, shall be the property of the city; and no lot shall be purchased or leased, nor shall any school house be erected, without an ordinance or resolution duly

Ordinance or resolution to be passed by council authoring same before property purchased or buildings erected.

passed by the common council. Deeds of conveyance and leases shall be made to the city of Milwaukee.

TEXT-BOOKS AND SYSTEM OF INSTRUCTION.

Text-books not to be changed oftener than once in five years.

SECTION 5. The school board shall have power to adopt for use in the several public schools in the city suitable text books, which shall be uniform, and when the school board shall have adopted for use in the public schools of the city any text-book or text-books, the same shall not be changed by the board for five years next thereafter; and the school board shall require that the system of instruction in the several public schools of the city shall be as nearly uniform as possible.

DISCIPLINE AND MANAGEMENT OF SCHOOLS.

Rules and regulations for schools.

And shall adopt, at their discretion, modify or repeal by-laws, rules and regulations for their own government, and for the organization, discipline and management of the public schools of said city, and generally adopt such measures as shall promote the good order and public utility of the said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

SUPERINTENDENT OF SCHOOLS.

To be elected by board and hold office for two years.

SECTION 6. The school board shall biennially elect by ballot on the first Tuesday in March, a person of suitable learning and experience in the art of instruction and practical familiarity with the most approved methods of organizing and conducting a system of public schools, for superintendent of schools, and he shall hold his office for two years, or until his successor is elected, unless sooner removed.

HIS POWERS AND DUTIES.

Superintendent to have control of schools of city.

The superintendent of schools shall, under direction of the school board, have a general supervision of the public schools of the city and the manner of conducting and grading them, of the

teachers, and, in connection with a committee of the board, of the purchase of school apparatus. He shall, in connection with a committee of the board, and subject to confirmation by the board, examine, employ, certificate and classify and transfer teachers. He shall, also in connection with a committee of the board and subject to confirmation by the board, dismiss them for incompetency or inattention to duty, and he shall do and perform all such other duties as may be required by the board; provided, that in case of disagreement between himself and a committee, the school board may determine the matter by a vote of a majority of all its qualified members.

SALARY.

He shall receive a salary not exceeding four thousand dollars *per annum*, to be fixed by the school board. The superintendent of schools shall appoint, subject to confirmation by the board, an assistant superintendent, who shall hold his position during the term for which the superintendent is elected, unless sooner removed, and whose salary shall be fixed by the board, not to exceed twenty-five hundred dollars *per annum*.

Not to exceed four thousand dollars per annum.

APPEALS.

SECTION 7. Any person feeling himself aggrieved by any act of the superintendent may, within ten days after the time of such act, appeal to the school board, who shall dispose of such appeal as may be deemed right.

Superintendent's acts may be appealed from to school board.

SECRETARY OF THE SCHOOL BOARD.

SECTION 8. The board shall also appoint biennially some suitable person to act as secretary of the board, who shall receive a salary not exceeding two thousand dollars *per annum*, to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform all such other duties as shall be required of him by said board. The secretary of the school board shall, before entering upon the

Salary not to exceed two thousand dollars per annum; his powers and duties.

duties of his office, execute a bond to the city of Milwaukee, in such form and penalty, and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city clerk of said city; and the school board may require security to be given for the faithful performance of his duties by any officer or employe of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employe additional bonds and sureties, in its discretion. The secretary of the board shall also take the annual enumeration of the children of school age in the city of Milwaukee, required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city, as may be directed and required by the school board, and he shall receive for such service a compensation or fee of two cents *per capita* upon the entire enumeration of persons between the ages of four and twenty, residing in said city, to be audited by the school board, and paid out of the funds provided for the support of the schools.

MAY BE REMOVED BY A TWO-THIRDS VOTE.

Proceedings.

SECTION 9. The superintendent of schools, or the secretary of the school board, may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two-thirds of the school board; provided, that notice in writing of charges against him and of the time and place of hearing and acting upon the same, shall be served upon the accused at least five days before the time of hearing and before any action shall be taken by the board thereon.

ACCUSED SHALL BE HEARD.

And the accused shall be heard by himself or counsel, and either party shall produce witnesses who shall be sworn and give testimony subject to the pains and penalties of perjury.

CERTIFIED LIST OF TEACHERS AND SALARIES TO BE FILED WITH COMPTROLLER.

SECTION 10. It shall be the duty of the secretary of the school board, within thirty days after the annual appointment of teachers and other salaried employes, to report to and file with the city comptroller a duly certified list of the teachers and employes so appointed, with the salaries allowed to each, and a statement of the time or times fixed for the payment thereof. He shall also, as often as any action shall be taken by said school board, changing the salaries of either of the officers of said board, or any of such teachers and employes, or making a new election or appointment to any position entitling the person appointed to receive a stated salary, within thirty days after such action is had, in like manner file with the comptroller a certified statement and list of all such changes and appointments. A list of all accounts which may be allowed by said school board, stating the character of the materials or service for which the same were rendered, shall be furnished to said comptroller for his information, immediately after the meeting of said board at which such allowance was made. And said secretary shall also make and file with the said comptroller quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the school board during the three months next preceding such statement.

Duties of secretary of school board.

HIGH SCHOOL SITE AND BUILDINGS.

SECTION 11. The school board are hereby authorized, and it shall be their duty to maintain the high school now established in said city, and to establish and maintain such other high schools as may from time to time be found necessary, and whenever more than one high school is so established, said board may divide said city into high school districts, and said schools shall be open to students residing within the said district, and for that purpose the common council of the city of Milwaukee are hereby authorized to purchase suitable sites and erect or purchase all necessary buildings for the use of said schools and to enter

School board to maintain high schools and may divide city into high school districts when necessary.

into all contracts necessary for the accomplishment of the purpose of this section.

TEACHERS.

High schools to be under same supervision as other public schools.

SECTION 12. The said high schools shall be public schools of Milwaukee, and as such shall be under the same supervision and control, except as herein provided, as other public schools of said city. The said board shall have power, and it shall be their duty to employ a principal and such other teachers as may be necessary for each of said high schools. The president of the board shall annually appoint a committee of said board of high schools, which, together with the superintendent, who shall be a member of said committee, shall employ or appoint all teachers in said high schools, subject to the approval of the board.

COURSE OF STUDY.

School board to prescribe course of study.

SECTION 13. The course of study in the high schools shall be liberal, and shall embrace such studies as the said school board may deem proper; and the said board shall have power to grant diplomas and to confer degrees in testimony of scholarship and literary acquirements.

MANAGEMENT OF HIGH SCHOOLS.

Rules and regulations.

SECTION 14. The said school board shall have power to make rules and regulations for the government of teachers and students of said high schools, to prescribe terms of admission, to determine the text-books to be used, to fix the number of classes and the conditions of graduation, and all other matters relating to the management of said high schools; provided, that no rule, order or regulation made by said board shall be valid, if inconsistent with the laws of this state.

Vacancies.

SECTION 15. In case of the absence or inability from any cause, of the officers, appointed by said school board to perform the duties of their respective offices, said board may appoint some suitable person to act in their place and stead during their absence or inability, and such person shall have and possess the same power or authority as the

officer whose place he is appointed temporarily to fill.

SUPPORT OF THE PUBLIC SCHOOLS.

SECTION 16. The school board shall report to the common council of said city at or before the first meeting of the council in January in each year, the amount of money required for the support of all the public schools in said city, including the high schools for the next fiscal year.

Report of school board to be made to council.

TAX SHALL BE LEVIED.

And it shall be the duty of said common council to levy and collect a tax, in addition to the tax to be levied for general city purposes upon all the taxable property of the said city, at the same time and in the same manner as other taxes are levied and collected by law, which, with the other funds provided for the same purpose, shall be equal to the amount of money required by said school board for the support of said schools; provided, that the said common council may, by the votes of two-thirds of all the members-elect, levy a tax for a greater or less amount for such purpose.

Annual levy of tax for support of schools.

SCHOOL MONEYS SHALL NOT BE USED FOR ANY OTHER PURPOSE.

The said tax and the entire school fund of the city shall not be used or appropriated directly or indirectly for any other purpose than the payment of the salaries of the superintendent of schools, the secretary of the board and the teachers, and such other employes as the board may deem necessary, and the necessary and current expenses of schools, including the purchase of school supplies, apparatus and fuel, and the ordinary and necessary repairs of school furniture.

Purposes for which school fund may be used.

SCHOOL MONEYS—HOW DISBURSED.

SECTION 17. All moneys received by or raised in the city of Milwaukee for school purposes shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and

Orders how drawn on school fund.

secretary of the school board, countersigned by the city comptroller; provided, that the president, instead of signing each order, may certify upon the pay-rolls furnished by the secretary to the comptroller to the fact that the amounts therein are correct as allowed by the school board.

SCHOOL BOARD TO REPORT ANNUALLY.

Report what to contain.

SECTION 18. The school board shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. They shall report to the common council annually the general proceedings and acts of said board, the number and condition of the public schools kept in said city during the year, the time they have severally been taught, the number and names of teachers, and the amount of salary of each; the number of children taught in said schools, respectively; the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school moneys raised or received during the year, distinguishing the amount received from the state fund from the amounts derived from taxes levied by the county board of supervisors and by the common council, respectively, and the accounts allowed by them against the school fund in detail, together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the state historical society at Madison.

Repealing clause.

SECTION 19. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1891.

No. 403 A.] [Published May 20, 1891.

CHAPTER 388.

AN ACT to amend the charter of the city of Grand Rapids.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 247, of the private and local laws of 1869, as amended by chapter 321, of the laws of 1874, is hereby amended as follows: A new section is hereby added to said last mentioned act to be known as "Section 9a" to read as follows: Section 9a. The warrant from the city clerk to the city treasurer of said city of Grand Rapids, required by section 9, to be attached to the tax list, shall be sufficient, if substantially in the following form:

Amends chapter 247, laws of 1869, as amended.

State of Wisconsin,
Wood County, } ss.
City of Grand Rapids,

Form of warrant.

To the treasurer and marshal of the city of Grand Rapids:

You, the said treasurer, are hereby commanded to collect from each of the persons and corporations named in the annexed tax list, and from the named owners and occupants of the real estate therein described, the taxes set down in said list opposite their respective names and opposite the several parcels of land therein described, and in case said taxes are not paid on or before January 15th next, you are required to add three *per centum* penalty to said several sums in all such cases. You are further required, out of the moneys so to be collected by you: First, to pay to the treasurer of the said county, on or before the fourth Monday in January next, the sum of .... dollars state tax; second, to retain and pay out as city treasurer, according to law, the sum of ..... dollars; and third, to pay to said county treasurer, for county purposes, on said fourth Monday in January, all the balance of said moneys so by you collected. And in case any of said taxes remain uncollected by you on the said fourth Monday in January, you are

further required and commanded on that day to deliver over to the city marshal of said city said tax list with this warrant. And you, the said marshal, are hereby commanded to receive said tax list from said treasurer, as above required to be delivered to you, to receipt to him therefor, to collect all unpaid taxes thereon, by distress and sale of property if need be, and if you deem it not possible to collect them by such means, to proceed as do town treasurers in such cases; and in addition to said taxes, to collect at the same time as a penalty, five *per centum* thereon, which penalty you are to retain as your compensation for such collecting. And you are further commanded and required (unless the time for your return be extended according to law) on the third Monday of February next, to make out and return to the treasurer of said county, a list of all lands and lots upon which the taxes have not been paid, and further, to return to him your doings upon said tax list and this warrant and to settle with and pay over to said county treasurer all moneys properly payable to said county treasurer, in like manner as is now required of town treasurers, and at the same time to make out and deliver to the city clerk of said city and to the said county treasurer, a list of all delinquent personal property taxes on said tax list.

Given under our hands and the seal of said city, this.....day of....., A. D. 18..

....
Mayor of said City.

.....
Clerk of said City.
(Seal of City.)

Powers conferred on marshal; his duties thereunder.

SECTION 2. The marshal of said city of Grand Rapids is hereby given all the powers conferred on the treasurers of towns, for the purpose of collecting taxes, by chapter 49, of the revised statutes of Wisconsin for the year 1878, and the several acts amendatory thereof, and all other statutory powers that now are or may hereafter be vested in the treasurers of towns, for the collection of taxes. Any action brought by him for any tax, shall be brought in the name of "The City of Grand Rapids." If said marshal shall have begun any action or other proceeding for the collection

of taxes, and must make his return to the county treasurer before the same is terminated, he shall prosecute the same to termination; and if said marshal shall collect such taxes after his return made to said county treasurer, he shall immediately thereafter return that fact, together with the sum so collected, and the name of the person against whom assessed, to the said county treasurer and to the city clerk of said city. The powers above granted to the said marshal are in addition to the powers given him by section 10, of chapter 321 of the laws of 1874.

Construction and maintenance of sidewalks; manner of payment for same to be submitted to a vote of people.

SECTION 3. All sidewalks in said city of Grand Rapids shall be constructed and maintained at the expense of said city, in such manner and at such times and places as the common council shall determine, and of such materials as said council shall direct, and shall conform to the established grades of the streets. But said council may by resolution determine upon the whole or some part of the cost of building or maintaining, or of building or maintaining sidewalks, which cost the owners of land abutting upon said walks, or over which said walks pass shall bear. After the passage of such resolution, the question whether such cost shall be borne by the abutting land owners shall be submitted to a vote of the electors of said city, at the city election next following the passing of such resolution, and if carried by a majority of the ballots cast on said question, the land owners shall either build the sidewalks abutting upon or passing over their lands, according to specifications to be furnished by said city, and of such material and in such manner as shall be acceptable to its properly constituted authority or officer, or the city shall build such walks and charge the cost (or the proper part of the cost as determined by said vote) thereof to said lands, to be placed in a separate column in the next tax list and collected with and as part of the next tax upon said lands. But no walks shall be built or re-built by said city and the whole cost thereof charged to the owners of the lands abutting upon said walks or over which they pass, without first giving the owners of said lands fifteen days written or printed notice, either by personal service or by publication

in a newspaper published in said city, warning him that he must build (or re-build) said walk or the city will do so and charge the same to his said lands. The part or fraction of the cost of said walks to be charged upon said lands by said resolution and vote shall be uniform, and once established shall not be changed within five years. The ballots for said vote shall be provided by said city, in equal numbers, in favor of and against the question to be submitted, and may read substantially as follows: In favor of (or against) land owners paying (here insert the fraction or part decided upon by the city council) the cost of building sidewalks abutting upon or passing over their lands. And in case said ballots are separate from the regular city ticket to be voted at such election, a separate ballot box or compartment shall be provided in each ward for the reception of such ballots. At least fifteen days' notice of such resolution and of the submission of such question to the vote of the electors of said city shall be given before said election, by posting said notices in three of the most public places in each ward of said city, and by publishing the same in a newspaper published in said city. When more than one-half of the cost of building or re-building sidewalks shall be chargeable to said lands, the work of building such walks shall be let to the lowest responsible bidder, and ten days' notice of receiving such bids shall be given by posting the same in three of the most public places in said city.

Sidewalk out of repair and not used may be condemned and removed.

SECTION 4. When any sidewalk shall become dilapidated and out of repair, and it shall appear to the city council that such walk is not of sufficient use to the public to justify its re-building or repair, said council may condemn said walk, by resolution setting forth the facts, and order said walk discontinued and removed. And said walk shall be removed unless within ten days after the posting of the notices last hereinafter mentioned six or more resident tax-payers of said city shall petition to have said walk continued, re-built or repaired, in which case a jury shall be called as provided in sections 4 and 5, of article 5, of the charter of said city, to hear and determine whether said walk shall be repaired

or re-built, or be discontinued and removed. No notice of the summoning of said jury shall be necessary, but notice of the time and place of the hearing of evidence and arguments by said jury shall be given by posting notice thereof in at least three of the most public places in said city, and in at least one place along the line of the walk so to be discontinued, in full view of said walk, at least forty-eight hours before said jury shall meet for such purpose. But no sidewalk shall be discontinued and removed if the owner of the lands abutting upon it or over which it passes, shall, within ten days of the time of the service of the notice last hereinafter mentioned, give notice to the mayor of said city, that he will re-build the said walk at his own expense and if within fifteen days after the service of said notice of condemning he shall have re-built the same according to specifications furnished by said city. Notice of condemning sidewalks and orders to remove the same shall be served at least ten days before the removal of such walks, on resident owners of such lands, as is a summons in circuit court, and on non-resident owners by posting such notice in three public places along the line of said walk to be removed, in full view thereof.

Repeals certain section of charter.

SECTION 5. Section 5 of article 6 of the charter of said city of Grand Rapids (being section 5 of chapter 6, of chapter 247 of the private and local laws of 1869), is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1891.

No. 352, S.] [Published May 21, 1891.

CHAPTER 391.

AN ACT to amend the charter of the city of Dodgeville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 216, laws of 1889.

SECTION 1. Section 105 of chapter 216, of the laws of 1889, entitled, "An act to incorporate the city of Dodgeville," is hereby amended by inserting after the word "year" in the fourth line of said section, the following: "If for any cause, there was no tax levy in the city the preceding year, to pay the ordinary expenses of the city, including the improvement and repair of the streets, the building and repair of sidewalks, the payment of salaries, and other ordinary expenses, then the common council may borrow money to pay such ordinary expenses, not exceeding the amount expended by the city for the same purposes the preceding year." So that said section when so amended will read as follows: Section 105. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty *per cent.* of the tax levy for the same purpose the preceding year. If for any cause, there was no tax levy in the city the preceding year, to pay the ordinary expenses of the city, including the improvement and repair of the streets, the building and repair of sidewalks, the payment of salaries, and other ordinary expenses, then the common council may borrow money to pay such ordinary expenses, not exceeding the amount expended by the city for the same purposes, the preceding year. Certificates of indebtedness may be issued for any such loan, signed by the mayor and the clerk, bearing interest not exceeding the legal rate *per annum*, and payable not later than the fifteenth day of January after the same are issued, provided, however, that no such loan shall be made unless authorized by a vote of at least three-fourths of all

Council may borrow for certain purposes; certificates of indebtedness.

the members of the common council, at a regular meeting thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1891.

No. 839, A.] [Published May 18, 1891.

CHAPTER 400.

AN ACT to amend chapter 221, laws of 1882, entitled "An act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof into one act and to amend the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The fourth subdivision of section 1 of chapter 6, of chapter 221 of the laws of 1882 as amended, is hereby amended so as to read as follows:

Amends chapter 221, laws of 1882.

SECTION 2 Subdivision 26 of section 3 of chapter 4 of said chapter 221 is hereby amended by inserting after the word "flagman" and before the word "at" the words, "or gates." Also amend section 6 of said chapter 4, by striking out the words "fifty dollars for one violation" and inserting in lieu thereof the words, "one hundred dollars for one violation," and after notice from the mayor or marshal of said city, of such violation, a like penalty shall be incurred for each succeeding twenty-four hours of violation.

Amends chapter 221, laws of 1882.

SECTION 3. Amend section 13 of chapter 12 of said chapter 221, by striking out the words "for three weeks successively, at least once in each week in some weekly or daily newspaper published in said city," and insert instead thereof the words "for such length of time not exceeding one week, as the common council may direct, in some one or more of the daily newspapers published in said city."

Amends chapter 221, laws of 1882.

Detaching territory from certain wards and attaching same to other wards.

SECTION 4. All that part of the First ward of said city of Janesville comprised within the following boundaries, to-wit: Commencing at a point in the center lines of Bluff and Madison streets where they intersect, and running thence west along the center line of said Bluff street to its intersection with Chatham street; thence north along the center line of said Chatham street to Ravine street; thence west along the center line of Ravine street to Pine street; thence south along the center line of said Pine street to Pleasant street; thence east on the center line of Pleasant street to Madison street; thence north on the center line of Madison street to the place of beginning, is hereby detached from the First ward of said city and hereby is attached to and made a part of the Fifth ward of said city. All that part of the Second ward of said city lying easterly of the center line of Milton avenue and northerly of the center line of the Milwaukee road, so called, is hereby detached from said Second ward and annexed to and made a part of the Third ward of said city.

Amends chapter 221, laws of 1882.

In absence of city attorney another may be deputized.

SECTION 5. Section 17 of chapter 3, of said chapter 221 laws of 1882, is hereby amended by adding thereto the following: And such city attorney may, with the approval of the common council, designate and deputize an attorney at law to appear for and represent said city in any action or proceeding pending in any court or before any officer. In case the city attorney be absent from said city, and no person shall have been designated as aforesaid to represent or appear for said city, then the mayor of said city shall have power to deputize some attorney to appear for and represent said city; provided, however, that no person so designated and deputized at the suggestion of said city attorney shall receive any compensation from said city for his services.

SECTION 6. This act shall be in force and take effect from and after its passage and publication.

Approved April 23, 1891.

NOTE BY THE SECRETARY OF STATE.—Through a clerical error occurring in the legislature prior to the enrollment and approval of the foregoing

act a part of section 1 was omitted. Subsequent to its publication in the official state paper, the same was corrected and re-published as corrected. The following is the corrected act.

T. J. CUNNINGHAM,
Secretary of State.

No. 839, A.] Published June 15, 1891.

CHAPTER 400.

AN ACT to amend chapter 221, laws of 1882, entitled, "An act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof into one act and to amend the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The fourth subdivision of section 1 of chapter 6 of chapter 221 of the laws of 1882 as amended, is hereby amended so as to read as follows: Fourth. To annually levy and collect taxes not exceeding seven thousand five hundred dollars on all real and personal property in said city for the erection of lamp posts and the lighting of the streets, public grounds and buildings in said city with gas or other light, which shall constitute the gas fund. Amends chapter 221, laws of 1882.

SECTION 2. Subdivision 26, of section 3, of chapter 4, of said chapter 221, is hereby amended by inserting after the word "flagman" and before the word "at," the words "or gates." Also amend section 6, of said chapter 4, by striking out the words "fifty dollars for one violation," and inserting in lieu thereof the words "one hundred dollars for one violation," and after notice from the mayor or marshal of said city, of such violation, a like penalty shall be incurred for each succeeding twenty-four hours of violation. Amends chapter 221, laws of 1882.

Amends chapter 221, laws of 1882.

SECTION 3. Amend section 13, of chapter 12, of said chapter 221, by striking out the words "for three weeks successively, at least once in each week in some weekly or daily newspaper published in said city," and insert instead thereof the words "for such length of time not exceeding one week, as the common council may direct, in some one or more of the daily newspapers published in said city."

Detaching territory from certain wards and attaching same to other wards.

SECTION 4. All that part of the First ward of said city of Janesville comprised within the following boundaries, to-wit: Commencing at a point in the center lines of Bluff and Madison streets where they intersect and running thence west along the center line of said Bluff street to its intersection with Chatham street; thence north along the center line of said Chatham street to Ravine street; thence west along the center line of Ravine street to Pine street; thence south along the center line of said Pine street to Pleasant street; thence east on the center line of Pleasant street to Madison street; thence north on the center line of Madison street to the place of beginning, is hereby detached from the First ward of said city and hereby attached to and made a part of the Fifth ward of said city. All that part of the Second ward of said city lying easterly of the center line of Milton avenue and northerly of the center line of the Milwaukee road, so-called, is hereby detached from said Second ward and annexed to and made a part of the Third ward of said city.

Amends chapter 221, laws of 1882.

In absence of city attorney another may be deputized.

SECTION 5. Section 17 of chapter 3, of said chapter 221, laws of 1882, is hereby amended by adding thereto the following: And such city attorney may, with the approval of the common council, designate and deputize an attorney at law to appear for and represent said city in any action or proceeding pending in any court or before any officer. In case the city attorney be absent from said city, and no person shall have been designated as aforesaid to represent or appear for said city, then the mayor of said city shall have power to deputize some attorney to appear for and represent said city; provided, however, that no person so designated and deputized at the suggestion of said city attorney shall receive any compensation from said city for his services.

SECTION 6. This act shall be in force and take effect from and after its passage and publication.

Approved June 15, 1891.

No. 590, A.] [Published May 5, 1891.

CHAPTER 405.

AN ACT to amend chapter 227, laws of 1885, being the charter of Whitewater, and all acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Superintendent of schools declared an appointive officer.

SECTION 1. The office of superintendent of schools in the city of Whitewater shall be appointive, in the manner hereinafter prescribed, instead of elective, as heretofore.

Amends chapter 227, laws of 1885.

Removal of snow, ice, dirt and rubbish from sidewalks, etc.

SECTION 2. Paragraph 31, of section 3, of chapter 5, of chapter 227, laws of 1885, is hereby amended so as to read as follows: 31st. To compel owners, occupants of buildings or grounds, to remove and keep snow, ice, dirt or rubbish from the sidewalk, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct. And on their default to authorize the destruction or removal thereof by the marshal or superintendent of streets, at the expense of such owner or occupants And in case any owner or occupants of any lot in the city shall neglect for the space of six hours after the same has fallen or accumulated, to remove all snow and ice from the sidewalk in front of such lot or lots, it shall be the duty of the superintendent of streets to remove the same and report the costs of such removal to the clerk of the city in writing, specifying the cost of the same, chargeable to each lot. And if the same is not paid, before the completion of the tax roll for the same year,

the said clerk shall insert such sum in said tax roll, as a special tax against such lot, and the same shall be a lien on said lot the same as other special taxes, and collected in the same manner.

Amends chapter 227, laws of 1885.

SECTION 3. Section 4, of chapter 7, of chapter 227, laws of Wisconsin for 1885, is hereby amended by striking out the word "shall" where it occurs after the words, "for that purpose they," and inserting in lieu thereof the words, "may in their discretion."

Amends chapter 227, laws of 1885.

Council may cause streets, lanes, alleys, etc., to be graded, graveled, etc.

SECTION 4. Section 7, of chapter 7, of chapter 227, laws of Wisconsin for 1885, is hereby amended so as to read as follows: Section 7. The common council of the city of Whitewater shall have full power to cause any street, lane, or alley, or part of any street, highway, lane or alley, in said city to be graded, worked, graveled, macadamized and repaired, and to cause any sidewalks, crosswalks, drains, sewers, gutters, culverts and bridges to be made therein as it shall deem necessary, and the same shall be repaired, or relaid, as may be ordered by the common council. Whenever the common council shall conclude to repair, grade, gravel, work, or macadamize any street, alley or highway, or any part thereof, or build bridges therein, such proposed work in this section mentioned shall be ordered by resolution, specifying the nature and kind of work, repairs, graveling, grading, or macadamizing, and if gutters, sidewalks, sewers, crosswalks, culverts or bridges, the kind of material and mode of construction; and whether such work shall be let by contract or otherwise as to the council shall seem best. And if such work shall be done by contract the same shall be advertised and let to the lowest bidder in the same manner as the work mentioned in section 4, chapter 7 of said chapter 227 as therein set forth. All work in this section mentioned shall be done under the supervision of the superintendent of streets or such other person or persons as the common council shall order by resolution, and the expenses thereof paid out by the general fund of the city.

Amends chapter 227, laws of 1885.

Levy of annual city tax.

SECTION 5. Section 9, of chapter 8, of chapter 227, laws of Wisconsin for 1885, is hereby amended so as to read as follows: Section 9. On the first Tuesday of July in each year, or within ten days thereafter, the common council shall determine

the amount of taxes to be levied for general city purposes, not to exceed eight mills on the dollar for any one year, and also the amount necessary to be levied for school purposes, and shall by resolution levy the same. But no such resolution shall be adopted which shall fix the amount for general city purposes above five mills in one year, except by a vote of two-thirds of the members-elect, which shall appear in the proceedings of the council. Nor shall any such resolution fixing or levying an amount exceeding five mills for general purposes in any one year be of any force or effect unless the same shall be approved by the mayor, with his signature, within the time allowed for signing or returning resolutions by section 4, chapter 5, of said chapter 227.

Amends chapter 227, laws of 1885.

City treasurer to certify to county treasurer dhlinquent lands.

SECTION 6. Section 19, of chapter 8, of chapter 227, laws of Wisconsin for 1885, is hereby amended so as to read as follows: Section 19. In all cases of non-payment of taxes upon lots or real estate in said city, in manner now required by law, it shall be the duty of the treasurer to certify to the county treasurer for Walworth county all such unpaid taxes, giving a description of the premises, to whom assessed and the sum chargeable to each piece or parcel of land with any charges and interest thereon to the time of such return. And the county treasurer shall proceed in manner now provided by law to sell the real estate in such return described, for such unpaid taxes, and the moneys received for such sales shall be paid over to said city treasurer. And all laws now or hereafter in force relating to sale and redemption of lands sold by said county treasurer for delinquent real estate taxes shall apply to such sales.

Amends chapter 227, laws of 1885.

City treasurer to have same power as county treasurer in the collection of delinquent personal property tax.

SECTION 7. Section 25 of chapter 8, of chapter 227, laws of Wisconsin for 1885, is hereby amended to read as follows: Section 25. All the powers and duties of the treasurer of Walworth county, as far as relates to the collection of delinquent personal property taxes, within the city of Whitewater, are hereby conferred upon the treasurer of the city of Whitewater, and if at the sale of any personal estate for taxes or assessments, no bid shall be made for any goods or chattels, the same shall be struck off to said city and thereupon the said city shall receive in its corporate

name a certificate of such sale and shall be vested with the same rights as other purchasers are. And in case said city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale. Sections 20, 21, 22, 23 and 24 of chapter 8, of said chapter 227, laws of Wisconsin for 1885, are hereby repealed.

Amends chapter 227, laws of 1885.

Appointment of city superintendent of schools.

SECTION 8. Section 2 of chapter 9, of chapter 227, laws of Wisconsin for 1885, is hereby amended so as to read as follows: Section 2. At the first meeting of the commissioners of common schools in July of each year, they shall nominate to the common council a suitable person as superintendent of schools of said city, who shall hold his office for one year, and upon his confirmation by the common council, he together with said commissioners shall constitute a board, to be styled "The Board of Education of the City of Whitewater," which shall be a corporate body in relation to all the powers and duties conferred on them by virtue of this act. The superintendent of schools shall be chairman of said board, and whenever he shall be absent a president *pro tempore* may be appointed. A majority of the board shall form a quorum. The city clerk shall be clerk of said board, and shall receive no compensation other than that heretofore provided for in this act. Said commissioners shall receive no pay for their services. Any vacancy in said office of school superintendent shall be filled in like manner as above in this section provided.

Amends chapter 227, laws of 1885.

The mayor; his powers and duties.

SECTION 9. Section 11 of chapter 12, of chapter 227, laws of Wisconsin for 1885, is hereby amended to read as follows: Section 11. The mayor of the city of Whitewater shall possess all the powers and duties in relation to assisting or removing to the poor house, of Walworth county, paupers and needy or transient persons in said city that are by law conferred upon the chairman of the board of supervisors of towns in Walworth county.

Amends chapter 227, laws of 1885.

Injuries caused by defective sidewalks.

SECTION 10. Section 1, of chapter 12, of chapter 227, laws of Wisconsin for the year 1885, is hereby amended so as to read as follows: Section 1. Whenever any injury shall happen to any person or persons, or property, in said city of Whitewater, by any reason of any defect or in-

cumbrance of any street, sidewalk, alley or public ground, or from any other cause for which the said city would be liable, such person or persons, to entitle them to recover from such city, shall within sixty days from the date of such injury to person or persons, or property, cause to be filed with the clerk of said city a statement in writing, stating and setting forth the nature of such injury or damage, the time and place of the occurrence, and the defect or incumbrance complained of. And no action shall be maintainable against said city for any such injury or damages after the lapse of two years from the date of filing such notice.

Amends chapter 228, laws of 1885.

SECTION 11. Section 20, of chapter 12, of chap- 228, laws of Wisconsin for the year 1885, is hereby amended, by adding to the end of said section, after the word "qualified," the following: All additions, so-called, to the village of Whitewater, of which plats have heretofore been recorded, may be termed and known in all contracts, ordinances and proceedings as additions to the city of Whitewater, by their respective recorded titles, substituting the word city for village therein. The plat of the village proper may, in like manner be termed and known as the plat of the city of Whitewater.

Additions to the village of Whitewater; how to be described hereafter.

Repealing clause.

SECTION 12. All provisions of said chapter 227, or of the several acts amendatory thereof, inconsistent with this act are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1891.

No. 356, S.] [Published April 27, 1891.

CHAPTER 415.

AN ACT to amend chapter 197, of the laws of 1885, entitled, "An act to reduce the laws incorporating the city of Hudson in the county of St. Croix, and the state of Wisconsin, and the several acts amendatory thereof, in one act."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 197, laws of 1885.

SECTION 1. Strike the words "and sewers" out of line 5, of section 3, of chapter VII, of said chapter 197, where they occur after the word "reservoirs," and insert in line thirty-two of said section the word "wholly," after the word "be," so that said section when amended shall read as follows: Section 3. The cost and expenses of surveying streets, alleys, sidewalks and sewers, and estimating work thereon, repairing and cleansing streets and alleys, and of constructing and repairing reservoirs shall be chargeable to and payable out of the general fund of the city. Planking, grading, graveling, macadamizing or paving streets and alleys to the center thereof shall be chargeable to and payable by the lots or parcels of land fronting on such street or alley within the line of improvement as far as the work extends; and the whole of the expense thereof shall be assessed upon such lots or parcels of land in proportion to their fronts thereon. Sewers and drains communicating with the main sewer and drains may be built by order of the common council through any street or alley, for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof may be assessed upon the lots so drained and benefited in such blocks and being within the line of improvements; provided, that in all cases where improvements or work of any kind is chargeable, by virtue of this section, upon lots benefited, all such improvements across streets,

Costs of surveying streets, alleys, etc., how paid; cost of paving, grading, etc., how paid.

alleys and public grounds shall be made and paid for out of the general fund of the city, in proportion to the width of the streets or alleys or public grounds. No grading, graveling, paving or macadamizing of streets or alleys to be done at the expense of lots fronting such improvements and no sewer, the expense of which is to be wholly charged to the lots drained or benefited, as before provided, shall be ordered by the common council except upon petition in writing of a majority of the owners of the property residing on the line of the proposed improvements, and chargeable therewith, unless by a two-thirds vote of the common council, and whenever the council shall thereon determine upon a public improvement under this section, they shall pass a resolution to that effect, and shall require the street commissioner, with the assistance of the city surveyor, to examine the premises and report an estimate of the whole expense thereof, and the lots or parcels of land chargeable with the expense, and the owner's name, if known, and the proportion of the expense to be assessed to each lot or parcel of land, and in case of grading, graveling, paving or macadamizing a street or alley a proper grade, and the common council may adopt, revise, correct or remand the same with instructions upon such report being adopted; an accurate survey and profile of such grade shall be prepared by the city surveyor and filed in his office for record. The common council may thereupon order the said work to be placed under contract upon such terms and under such regulations as they deem advisable, or order the same to be done under the supervision of the street commissioner and the city surveyor. Where any work provided for in this section shall be completed, or the contract performed to the satisfaction of the street commissioner and the city surveyor, said street commissioner shall give notice by publication in the official newspaper of said city, for three weeks, that the expense thereof (in case of streets and alleys) will be assessed upon the lots or parcels of land fronting such streets or alleys within the line of such improvement in proportion to their fronts thereon, and in case of sewers chargeable to the lots as herein-

before provided, that the lots in the blocks fronting such improvement, drained or benefited thereby (which lots shall be designated in the notice), will be assessed in proportion to their size or area. Any owner of such lots or parcels of land to be charged as aforesaid, feeling himself aggrieved by such assessment, may, before the expiration of the publication of such notice, file a petition with the street commissioner, showing, in case of streets and alleys, that his lot or lots or parcels of ground will not be benefited to the extent of the expense apportioned to such lot or parcel of ground, and that such assessment in his case would be unequal and unjust which said petition shall be sworn to by the petitioner or someone having knowledge of the facts. The street commissioner shall thereupon require the chief of police to summon three disinterested freeholders of said city, and non-residents of the ward wherein such improvement is located, as commissioners to attend at some convenient time and place, of which notice shall be given by publication in the official paper in said city at least five days before the time appointed for such commissioners to meet. At the time of meeting, such commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence the street commissioner shall require the chief of police to forthwith summon others to supply the vacancy. Said commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them and shall view and examine the premises in question and shall have the power to hear the parties, and administer oaths and examine witnesses. It shall be their duty, as early as practicable, and within ten days from the time they entered upon their duties to report to the street commissioner their decision in writing, accompanied by any testimony or proof or the substance thereof, taken before them, and shall in each case determine whether such assessment (in case of grading, paving, graveling or macadamizing streets and alleys) would be unequal and unjust, and whether, and how much, the same will exceed the benefit, and (in case of sewers) whether the lot or lots in question will be drained or benefited by the sewer, and thereupon what

abatement or exemption, if any should be allowed. The street commissioner shall thereon complete his assessment for such improvement making the necessary abatement or exemptions, in accordance with the report of the commissioners, and the amount deducted for such abatement shall be assessed upon the other lots or parcels of land chargeable with the expense aforesaid in the manner before prescribed. Such assessment, when completed, shall be returned to the common council, and the said common council shall thereupon fix a time for the confirmation thereof, of which notice shall be given in the official paper of the city. Upon the confirmation thereof, such assessment shall become a lien upon said premises and shall be levied and collected as other taxes and assessments. Also amend by adding to the end of said chapter 12, of said chapter 197, the following, viz.:

Amends chapter 197, laws of 1885.

Establishment of general sewerage system.

Section 8. Upon receipt of a petition, signed by at least twenty freeholders of the city of Hudson, the common council shall forthwith cause a survey to be made with the view of establishing a general sewerage system for said city. They shall cause a plat of the same to be made and deposited with the city clerk, whereupon the city clerk shall give notice of the filing of said plat by publishing such notice in the official paper of the city once in each week for three successive weeks; the notice shall specify that any objections to the system, as determined upon, or any part thereof, may be filed with the city clerk at any time within thirty days from the date of the notice. The city clerk shall, at the end of the time specified, place before the common council all abjections that shall have been filed, and the common council shall then consider the same. The common council may make any change deemed advisable by them, and if any changes are made, the plat shall be corrected accordingly, or a new plat be made if necessary. The common council shall attach thereto a certificate that the said plat exhibits the plans of sewerage as finally agreed upon by them. For the purpose of this work, the common council may, at the expense of the city, employ a competent engineer to assist the city surveyor for not exceeding thirty days. A diagram of the system agreed upon shall be made

in duplicate and certified by the city surveyor, one copy of which shall be recorded in the office of the register of deeds for St. Croix county, and one copy filed with the city clerk. Either of said originals or said record, shall be conclusive evidence of the legality of the establishment of said plan.

Cost of construction of main sewers to be paid out of general sewerage fund.

Section 9. The cost of construction of all main sewers in excess of the cost of the construction of a minor sewer, eight inches in diameter, shall be paid out of the general sewerage fund. The cost of the construction of minor sewers of eight inches in diameter or under, and such portions of the cost of construction of the main sewers, as shall be equal to the cost of construction of a minor sewer eight inches in diameter shall be chargable to the property abutting on the street along which any such sewer shall be constructed in proportion to the frontage of such lots or lands upon such streets; the intention being that the property abutting upon any sewer shall be taxed to the extent of the cost of a sewer not exceeding eight inches in diameter, the balance of such cost to be borne by the city.

May be constructed under contract.

Section 10. Any portion of such sewerage system may be constructed under contract with the city, which contract may be made in such manner as the common council may determine.

Form of notice of meeting to determine amount chargeable to lot for construction of sewer; publication of same.

Section 11. Whenever the cost of construction of any portion of such sewerage system shall have been determined, the city clerk shall give notice to the owners of all lands fronting on the street where said sewers shall have been constructed, of the time when the common council meet to determine the amount of such cost chargeable to the lots of parcels of land fronting on the street, by publishing in the official paper of the city, a notice substantially in the following form:

City of Hudson:

To the owners or persons interested in the lots or parcels of land fronting on ..... street, from ..... street to ..... street: Take notice, that on the .... day of ....., at .... o'clock of that day, the common council will meet at the office of the city clerk, to determine the amount chargeable to the lots or parcels of land fronting on ..... street, between the points

above mentioned, for the construction of the sewer constructed on said ..... street.

Dated ....

.....,

City Clerk.

Said notice shall be published at least two weeks prior to the date of said meeting. At the time specified in said notice, the common council shall hear all parties interested, that may desire to be heard, and shall then make an award fixing the amount that they shall deem properly chargeable to each such lot or parcel of land, for the construction of said sewer, according to the provisions of this chapter, and the award, when so made, shall be recorded by the city clerk, and said award or said record shall be conclusive evidence of the legality of all proceedings, up to and the making of such award.

Cost of construction, how paid.

Section 12. The cost of construction of said sewer not awarded to the lots or parcels of land fronting upon the street shall be paid out of the general sewerage fund, and the amount chargeable to the lots or parcels of land shall be assessed against such lots in the same manner as is provided for in section 3 for the improvement and repairing of streets and for other purposes.

Construction of private drains or sewers.

Section 13. No private drain or sewer shall be connected with any public sewer without the common council issuing an order or permit for such connection, and all such connections shall be made under the supervision of the common council or some one authorized by them in their behalf; the expense for such connection to be paid by the person for whom such connection is made. Any person who shall break open or make connection with any public sewer, except by the written order or permit, or under the direction of the common council or willfully injure any of the material employed or used or intended to be employed or used in the construction of any sewer or for sewerage purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars or imprisonment in the county jail not to exceed sixty days

Levy of tax to provide general sewerage fund.

Section 14. For the purpose of providing a general sewerage fund the common council are hereby authorized, whenever in their judgment a

system of sewerage is deemed necessary for said city, to levy a tax of not exceeding three mills on the dollar on all the taxable property of said city, for the commencement of such work and annually thereafter may levy, not exceeding three mills on the dollar, upon all the taxable property of said city, for the purpose of extending said system of sewerage, which shall be placed upon the tax roll by the city clerk for collection, and said sewerage tax shall be collected the same as other taxes are collected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1891.

No. 492, A.] [Published May 29, 1891.

CHAPTER 420.

AN ACT to revise the charter of the city of Fort Howard.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

CHAPTER I.

CITY BOUNDARIES.

Corporation created.

SECTION 1. All that district of country in the county of Brown, hereinafter described, shall be a city by the name of Fort Howard, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation, by the name of the city of Fort Howard, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts

of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. The territory lying in the county of Brown, and included within the following limits shall constitute the city of Fort Howard, to-wit: Bounded north by the waters of Green Bay, east by the center line of the channel of Fox river, south by a line running through the center of private claim number thirteen on the west side of Fox river, and extended eastward to the center of Fox river and west by the west line of private claims numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, north half of thirteen, Dousman claim and vacant strip, and the west line of lots numbered two, nine, twenty five, forty-one, fifty eight, sixty-nine, seventy-five, eighty, eighty-eight and one hundred of the late Fort Howard military reservation. Boundaries of city.

SECTION 3. The said city shall be divided into six wards as follows, to-wit: All that part of said city lying north of Dousman's claim, shall constitute and be known as the First ward. All that part of said city lying between the north line of private claim number one and the north line of Dousman's claim, shall constitute and be known as the Second ward. All that part of the city lying between Callaghan's north line and the north line of private claim number one, shall constitute and be known as the Third ward. All that part of said city lying between Callaghan's north line on the north, and the south line of Arndt's first addition to Fort Howard, and the south line of the vacant strip on the south, shall constitute and be known as the Fourth ward. All that part of the city between the south line of Arndt's first addition to Fort Howard, and the south line of the vacant strip on the north, and the north line of private claim number four on the south, shall constitute and be known as the Fifth ward. And all that part of said city lying south of the north line of private claim number four, shall constitute and be known as the Sixth ward. Wards and their boundaries. First ward. Second ward. Third ward. Fourth ward. Fifth ward. Sixth ward.

CHAPTER II.

OFFICERS AND ELECTIONS.

Common council, how constituted.

SECTION 1. The municipal government of the city of Fort Howard shall consist of and be vested in the mayor and a common council, composed of the mayor and one alderman from the city at large and one alderman from each ward, subject to the exceptions and reservations hereinafter expressly contained.

Elective city officers.

SECTION 2. The elective officers of said city shall be a mayor, city clerk, city treasurer, city marshal, two justices of the peace, city assessor, and street commissioner, one alderman from the city at large, one alderman and one supervisor from each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council.

Qualifications of city officers

SECTION 3. No person shall be qualified to hold any office in said city, except he shall be a citizen of the United States, and shall have been an actual resident of said city for one year next preceding his election or appointment, and shall be a qualified elector of said city. No person who shall have held the office of city treasurer for two terms, shall be eligible to said office for the next succeeding term thereafter.

Terms of office.

SECTION 4. All elective officers, except justices of the peace shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified. Said justices of the peace shall hold their respective offices for two years, and until their successors are elected and are qualified.

Annual municipal elections

SECTION 5. The annual election for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward, as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the city clerk, in such manner as the common council shall direct, of the time and place of holding such election, and of the officers to be elected; provided, however, that no election shall be invalidated because of the failure to give such notice; provided, further, that

the first election after the passage of this act, shall be held on the first Tuesday of April, 1891. All city and ward officers now in office, shall hold their respective offices for the terms for which they have been severally elected or appointed.

Who are qualified electors.

SECTION 6. All persons who are qualified electors of the state of Wisconsin, shall be deemed qualified electors of said city, and may vote in the ward in which they reside.

Elections, how conducted.

SECTION 7. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots, in the presence of the common council, at such time and in such manner as they shall direct

Same.

SECTION 8. The election shall be held and conducted in the same manner and under the same penalties, and all guards against illegal voting observed, and inspectors and clerks appointed, and vacancies in the board of inspectors filled as required by the laws of this state regarding elections.

Canvass and return of votes.

SECTION 9. When an election shall be closed, and the number of votes for candidates or persons voted for shall be counted and ascertained, and said inspectors shall make a return thereof, stating therein the number of votes therein for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, within three days after the election. The common council shall, on the Tuesday following such election, meet and canvass said returns, and declare the results as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his election.

Council may expel a member; when removal of officers.

SECTION 10. The common council shall have power for due cause to expel any of their number by a two-thirds vote of the aldermen-elect. All officers appointed by the common council or mayor, may be removed at the pleasure of the council, by a two-thirds vote of the aldermen-elect. Any elective officers, except the mayor and justices of the peace, may, for misconduct or other sufficient cause be removed from office, by a two-

thirds vote of all members-elect of the common council, but said council shall in all cases, enter said cause upon the minutes of their meeting.

Vacancies; when occuring and how to be filled.

SECTION 11. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, and any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Vacancies in office of mayor, alderman, justice of the peace to be filled by a new election.

SECTION 12. Whenever a vacancy shall occur in the office of mayor, or alderman, or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council, within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Special elections, how conducted.

SECTION 13, Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance, or resolution of the common council.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Officers, how to qualify; official bonds.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe the oath of office, prescribed by the constitution of this state, and file the same duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, marshal, street commissioner, and such other officers as the common council may direct, shall severally, before

they enter upon the duties of their respective offices, execute to the city of Fort Howard, a bond with at least two sureties, who shall swear that they are worth, in the aggregate, the penalty specified in said bond over and above all debts, liabilities and exemptions, and said bond shall contain such penal sums and such conditions as the common council may deem proper. And they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give same. All official bonds executed to the city of Fort Howard, except that of the city clerk, shall be filed and safely kept by the city clerk in his office, unless the common council shall otherwise direct. The bond of the city clerk shall be filed with the city treasurer. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds, for the county of Brown.

The mayor; his powers and duties.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police of the city, and when in his judgment occasion requires, he may appoint as many special or temporary policemen as he may deem necessary, but their appointment shall not continue beyond the next meeting of the common council thereafter unless approved by said council. The mayor shall have power to veto any ordinance passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day

after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk, a copy of his objections, and the clerk shall thereupon call a special meeting of the council, and in case the council shall not, within one week after the receipt of such objections, or such filing with the clerk, re enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen-elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor, or acting mayor for the time being.

Alderman at large shall be ex-officio president of the council.

SECTION 3. The alderman elected from the city at large, shall be *ex officio* president of the common council, and, in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who shall, for the time being, discharge all the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

The city clerk; his powers and duties.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the indorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as the originals. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate ac-

count thereof in books provided for that purpose. The clerk shall have power and authority to administer oaths and affirmations. Whenever the clerk shall be absent from any cause, the council may appoint a clerk *pro tempore*, who, for the time being, shall be vested with the powers and duties of the clerk. The clerk shall receive an annual salary, to be fixed by the council.

Justices of the peace; their jurisdiction.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council; and in addition thereto, they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council, unless otherwise provided.

The city treasurer; his powers and duties.

SECTION 6. The city treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and shall safely keep the same, and shall not pay the same out, except upon an order of the common council, signed by the mayor and countersigned by the clerk; provided, that the school fund may be drawn out as provided by other sections of this act. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book shall at all reasonable times be open to the inspection of any person, and the common council may at any time direct the manner in which his accounts shall be kept. He shall, every three months, and as often as the council may require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his term of office, he shall hand over to his successor, all moneys, books, papers and property in his posession belonging to the city. The said treasurer shall collect all general and special taxes and assesments, which may be levied or assessed up-

on the real and personal property in the city, and exercise the same powers and be governed by the same laws and be subject to the same liabilities as treasurers of towns, except when a special direction or duty is imposed by this act. The common council shall, at its last meeting in March, fix the salary of the treasurer to be elected at the next ensuing election. And the salary so fixed shall not be increased or diminished during the term. All sums received by the treasurer as fees, shall be paid by him into the general fund of the city, and when required by the common council, he shall make report, under oath, of all fees or other moneys received by him as treasurer. The treasurer-elect of said city shall hereafter enter upon the duties of his office on the first day of July, next succeeding his election.

The city marshal; his powers and duties.

SECTION 7. The marshal shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council or directed by the mayor for the preservation of the public peace, and collection of license money and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and, when necessary in criminal cases, or for violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of the city, and to abate all nuisances, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed constables for such services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. He shall receive such annual salary as the common council shall direct.

SECTION 8. The common council shall at their first meeting for organization each year, after the annual election, choose by ballot, a city attorney, who shall serve for a term of one year, and until his successor is elected and qualified, unless sooner removed by a two-thirds vote of all members-elect of the common council, for misconduct, or other sufficient cause. The compensation of said officer shall be fixed by the common council, at said meeting, before proceeding to elect, and shall not be increased or diminished during his term of office. City attorney, how chosen.

SECTION 9. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council, or any of its committees. He shall keep a docket of all cases, to which the city may be a party, in any court of record in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing, that may be required by the business of the city, and to perform such other duties, as may be prescribed by the charter or ordinances. He shall receive an annual salary to be fixed by the council, and shall be ineligible as a member of the school board or school superintendent. City attorney; his duties.

SECTION 10. The assessor shall assess all the taxable property of the city of Fort Howard as required by law, and shall complete and return his assessment roll, in the manner hereafter provided, and shall receive such compensation as the common council shall determine. The city assessor.

SECTION 11. The street commissioner shall see that all ordinances of the city relating to the obstruction and clearing of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the river, and sloughs in said city are duly observed and kept, and to control the persons employed therein. He shall have the general supervision of all work let by contract for the making, grading, paving, graveling, plak- The street commissioner; his powers and duties.

ing, repairing and cleaning of streets, sidewalks, bridges, alleys, public grounds except the city parks, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the common council may determine, and he shall have no interest direct or indirect in any contract for streets, bridges, alleys, sidewalks, public grounds, reservoirs or gutters in the city.

Additional duties may be imposed upon city officers.

SECTION 12. The common council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, for which he was elected or appointed. The common council shall have power to dismiss any officer whose office is created by said council, under the provisions of this section, at the pleasure of said council, or whenever, in the judgment of said council, the services of such officer are no longer needed.

Official city paper.

SECTION 13. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act, or by the laws or ordinances of the common council to be published in a public newspaper, which printing and publishing shall be let by contract to the lowest bidder or bidders; provided, that in case the lowest bid received from any paper published in said city shall exceed the sum of fifty dollars for the entire year's printing, then the common council shall have power to advertise for and receive bids from any paper published in Brown county, and award such printing to the lowest responsible bidder.

Proof of publication of ordinances.

SECTION 14. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the

clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of time the same has been published and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or by-law, and the clerk shall file the same in his office.

Retiring city officers to deliver books, etc., to successor.

SECTION 15. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect, or refusal to so deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Aldermen not to be interested in city contracts.

SECTION 16. No alderman shall be a party to, or interested in any job or contract with the city, and any contract in which any alderman shall be so interested shall be null and void. And, in case any money shall have been paid on any such contract, the common council may sue for and recover the amounts so paid from the parties to such contract and the alderman so interested in the same.

Officers of the peace, who are.

SECTION 17. The mayor or acting mayor, sheriff of Brown county, each and every alderman, justice of the peace and deputy sheriff of Brown county, marshal, deputy marshal, under sheriff, constable, policemen and watchmen shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all by standers, and if need be, of all citizens and military companies, and if any person, by-stander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and, in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Common council, how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Fort Howard do ordain," etc.

Meetings of council.

SECTION 2. The common council shall hold their first meeting in each year on the Thursday succeeding the second Tuesday of April, and thereafter stated meetings, at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at his usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the elections and qualifications of its own members, and shall have the power to compel the attendance of its members, and to enforce its rules, to punish by fine or imprisonment, by a vote of two-thirds of its members, any member or other person present, for disorderly or contemptuous conduct. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

General provisions relating to council; its powers.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property of the city. And shall likewise in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules resolutions and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of the trade, commerce, and health thereof, and for carrying into effect the powers vested in said common council; and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules, by-laws and regulations, and such ordinances, rules and by-laws are hereby declared to be, and have the force of law, pro-

vided that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by law:

1st. To license, regulate, suppress and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for and regulate saloons, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; provided, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than that provided by the general laws of the state, which license shall be paid into the general fund of the city. And that all such licenses hereafter granted, shall run from the first Tuesday of May in each year, and no license shall be granted for a longer period than one year. Licenses.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers. Gambling, etc.

3d. To prevent any riots, noise, disturbances, or disorderly assemblages, suppress and restrain disorderly houses or saloons and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Riots, disturbances, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place to cleanse, remove or abate the same, from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. Cleansing of unwholesome places.

Location of slaughter-houses, etc.; gunpowder.

5th. To direct the location and management of slaughter-houses and markets. And to establish rates for, and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Encumbering of streets, etc.

6th. To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroads, cars, locomotives, carriages, carts, wagons, sleighs, boxes, lumber, wood, or any other materials or substances whatever.

Horse-racing, etc., in streets; abuse of animals.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately driving or riding as aforesaid; and to prohibit and punish the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

Bathing and swimming.

8th. To regulate and determine the time and places of bathing and swimming in the river, bay or other water in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Running at large of cattle, etc.

9th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals, for a violation of any such ordinance in relation thereto.

Running at large of dogs.

10th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Depositing putrid carcasses, etc., within city limits.

11th. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substances, and to require the removal of the same by any person, who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Water works, public pounds, etc.

12th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works, for the sup-

ply of water to the inhabitants, and to prevent unnecessary waste of water.

13th. To provide for lighting the streets, public grounds and public buildings with lamps, electric lights, gas or otherwise. Lighting of streets, etc.

14th. To regulate license and suppress omnibus drivers, hackmen, coachmen, cabmen, cart men, draymen, and all others who may pursue like occupations in the city, and to prescribe their compensation. License of omnibus drivers, etc.

15th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of bills of mortality, and to exempt burial grounds set apart for public use, from taxation. Boards of health, hospitals, etc.

16th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Size and weight of bread.

17th. To prevent all persons from riding or driving any ox, mule, horse, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks Driving of cattle on streets, etc.

18th To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation, which may be considered by the council as dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting of firearms, etc.

19th. To restrain drunkenness or obscenity in the streets or public places and to provide for the arresting, removing and punishing any person or persons, who may be guilty of the same. Drunkenness, obscenity, etc.

20th. To restrain, regulate or suppress house runners and solicitors, for boats, vessels, stages, public houses, or other establishments. Runners and solicitors for public houses, etc.

21st. To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. Watchmen and policemen.

22d. To establish markets and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restran all persons from interfering with due observance of such rules and regulations. Markets, rules and regulations for same.

23d. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs, and other provisions in the city, and to authorize the seizure and Butchers and sale of game, poultry, etc.

destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Weight and sale of hay, fuel, lime, etc.

24th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint fish inspectors, and to appoint a lumber and shingle inspector.

Removal of snow, ice, etc., from sidewalks.

25th. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalk, streets or alleys opposite thereto, and to compel such owner or occupant to remove from such lot owned or occupied by him, all such substances as the board of health may direct, and in default to authorize the removal or destruction of the objectional substances, by some officer of the city, at the expense of the owner or occupant, and to provide that the expense of such removal by such officer may be a lien upon such lot or grounds, and for the collection thereof as a special tax.

Construction of piers and wharves.

26th. To regulate all construction of piers and wharves extending into Fox river, within the limits of the city.

Wharf and dock lines.

27th. To establish wharf and dock lines upon the banks of Fox river, and the sloughs in said city, and restrain and prevent encroachments upon said river or sloughs and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of said city, wharves at the foot of the streets, along the banks of said river or sloughs.

Infectious and contagious diseases.

28th. To regulate, control and prevent the landing of persons from boats and vessels, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons, as to preserve the health of said city.

Public auctions.

29th. To regulate the time, place and manner of holding public auctions or vendues.

Standard of weights and measures.

30th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Trees and monuments.

31st. To protect the trees and monuments in said city.

Sewers.

32d. To prescribe and regulate the construction of sewers within said city.

33d. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury. Streets and highways.

34th. To alter and change the name of any street in the city. Naming of streets.

35th. To provide for the inspection and regulation of stationary steam engines and boilers. Inspection of steam boilers.

36th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of the state, for the good order and government of the city, and which may be necessary and expedient to carry into effect, the powers vested in the mayor and common council, or any officer of said city, by this act or which may be vested in any officer of said city, by any ordinance thereof. Additional powers.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after the passage, respectively, be published in the official paper or papers of said city, once before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of said laws, ordinances, regulations and by-laws shall be recorded the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times, shall be deemed as sufficient evidence of the time and manner of such publications, and such record of such law, ordinance, regulation or by-law, and the proof of publication thereof, aforesaid, or a transcript of such record, certified by the clerk, under the seal of the city, or any printed book, containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered in the proceedings of the council. Ordinances, etc., how passed; publication of same.

Power to abate nuisances not a bar to action by individuals for same purpose.

SECTION 5. The powers conferred upon said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind, wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, saloons, and houses or places where spirituous, vinous or fermented liquors are sold without license, within the limits of said city, are hereby declared, and shall be deemed public or common nuisances.

What are nuisances.

Council to examine and audit accounts of city officers.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council, in the discharge of his said duties in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant and the common council shall order suits and proceeding at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Power of council to issue bonds and city orders.

SECTION 7. The common council of said city shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases especially authorized by law, nor shall the common council issue in any one year, orders upon the city treasury to any amount greater than the amount of taxes which may be levied under the provisions of this act.

CHAPTER V.

FINANCE AND TAXATION.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable, generally, out of any fund in the treasury belonging to the city, except school. City orders shall be receivable for all city taxes, except school and special taxes for school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of the said city, which shall be collected in money or orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Funds in treasury shall be under control of council; how drawn out.

SECTION 2. The common council of said city shall levy annually upon the taxable property of said city, to defray the current expenses of the city, a tax not exceeding one and one-half *per centum*, and for all other purposes, except for school wages and the payment of principal and interest of any outstanding bonds, debts or obligations of said city, a tax not exceeding one and one-half *per centum* upon all the taxable property of said city.

Annual tax levy.

SECTION 3. Whenever it shall be necessary to re-build or repair bridges, a special tax may be levied for such purpose, not exceeding two thousand dollars for any one year, and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Special tax for re-building and repairing of bridges.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the principal and interest of any outstanding bonds, now due, or hereafter to become due, issued by the city of Fort Howard, or which may hereafter be issued by said city, by authority of law; provided, however, that no greater tax shall in any one year be levied, than shall be necessary to pay the amount which shall

Special tax to pay principal and interest on outstanding bonds.

be due on such bonds, at the time such tax shall be collectable by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; and when so levied, shall be collected at the same time as other city taxes are collected.

Account against city to be verified.

SECTION 5. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

Claims against city to be first presented to council before action brought; action of council on claims; appeals.

SECTION 6. No action shall hereafter be maintained by any person against the city of Fort Howard, upon any claim or demand of whatsoever nature other than a city bond or order, unless such person shall have first presented such claim or demand to the common council of the city. The determination of the common council disallowing in the whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of said common council as hereafter provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any such claim or demand duly presented to them, this chapter shall not be so construed, as to prevent the institution and maintenance of an action of said claimant against the city.

Appeal from action of council disallowing claim.

SECTION 7. When the claim or demand of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Brown, by causing a written notice of such appeal to be served on the clerk of the city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by the mayor of the city, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Proceedings on appeal.

SECTION 8. The city clerk on such appeal being taken, shall immediately give notice thereof

to the city attorney and to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he be required to do, and shall shall make out a brief return of the proceedings in the case, before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Brown, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner, provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest on such allowance, the appellant shall pay the costs of such an appeal, which shall be deducted from amount of recovery, and when the amount of costs exceeds the amount of recovery, judgment shall be rendered against the appellant, for the amount of such excess.

CHAPTER VI.

ASSESSING, LEVYING AND COLLECTING TAXES.

What property subject to taxation; power of assessors; form of assessment rolls.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereafter provided; and the assessor elected under this act shall have and possess the same powers, that are or may be conferred upon town assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, as they may from time to time deem advisable.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's no-

Assessor to give notice of hearing of objections to assessment.

tice thereof in the official paper, and shall fix a time and convenient place when he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Assessment roll to be returned to board of review.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return said assessment roll to the board of review of the city.

Board of review how constituted.

SECTION 4. The mayor, city clerk, treasurer and assessor shall constitute the city board of review, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed as such board, to review, examine and correct such assessment roll, and in so doing, shall have and exercise all the powers, and perform all the duties of a board of review, as the same are or may be prescribed by the general laws of this state, except as may be otherwise provided in this act. The mayor shall be president of the board of review and the city clerk the clerk thereof.

Assessment roll corrected and filed with city clerk; levy of tax.

SECTION 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied

All assessments shall be lien on property on which assessed.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all the personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal estate shall effect said lien. Any personal property belonging to the person taxed, may be taken and

sold for the payment of taxes, upon real or personal property.

SECTION 7. All changes of assessment by the board of equalization shall be duly recorded by the city clerk.

Changes made by board of equalization to be recorded by city clerk.

SECTION 8. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting down opposite to the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent, when less than one-half, otherwise reckoning the fraction as a cent.

Preparation of tax roll.

SECTION 9. The said clerk shall immediately make out a duplicate copy of such tax roll, when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Duplicate copy to be delivered to city treasurer.

SECTION 10. To each assessment roll so delivered, a warrant under the hand of the city clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

Form of warrant.

The state of Wisconsin, to the city treasurer of the city of Fort Howard, in the county of Brown:

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described. And in case any person or corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of ....., for state taxes, and the further sum of....., for county taxes, and the balance of said money, you are required to retain and pay out according to law. And, in case such taxes and assessment shall not be

paid, before the fourth Monday of February next, you are required to proceed and sell the several lots or parcels of land, or those parts thereof, upon which said taxes or assessments shall remain unpaid, as provided by law, and to make due return of this warrant to the common council of said city, on or before the first Tuesday of May next.

Given under my hand and the corporate seal of said city this ..... day of ..... 18...

.....City Clerk.

General laws relative to taxation, etc., to be in force in city, except as otherwise herein provided.

SECTION 11. All general laws of this state, which are now or may hereafter be in force, relative to the assessment, re-assessment and collection of taxes, and the sale of lands for taxes, and redemption from said sale, and the issuing of deeds upon lands sold for taxes, shall be in force in said city, except as otherwise herein equally provided; and the city treasurer shall proceed to collect the taxes, and all assessments of said city, in the same manner as required by law, of the town treasurers, except as herein provided.

Treasurer's notice of time when taxes payable.

SECTION 12. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes, at his office, for the term of thirty days next ensuing the date of said notice If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the person so charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices, in as many public places in said city.

Delinquent lands subject to sale.

SECTION 13. Each and every lot or lots, or any other piece of land upon which the taxes, interest and charges shall not be paid by the fourth Monday of January next, after the levying and assessing of the same, shall be subject to sale, as hereafter provided.

Treasurer's notice of sale of delinquent lands.

SECTION 14. The city treasurer shall immediately after the said fourth Monday in January make out a notice, stating that the tracts and parcels of land specified in said tax roll, upon which the taxes shall not have been paid by that day, will be sold by him at public auction, at the

office of said treasurer in said city, on the first Tuesday of May next thereafter, and the next succeeding days, interest and charges thereon. The said treasurer shall cause said notice to be published in a newspaper printed in said city, once in each week, for four successive weeks, prior to said first Tuesday of May, and also, at least four weeks prior to that day, post up copies thereof in three public places in said city.

Sale of delinquent lands; form of certificate.

SECTION 15. On the day and at the place designated in the treasurer's notice, he shall commence by public auction, the sale (and continue from day to day until the whole is disposed of), of all the tracts and lots or parts thereof, upon which the taxes and assessments shall remain unpaid; the sale to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, by whom and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall on the day following, offer said lot or tract again for sale, and any person bidding off, at any such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

Redemption.

SECTION 16. Any lot or tract of land, which shall be sold for taxes under this act, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is recorded, by the owner or any person interested therein, paying to the treasurer the

amount for which the same was sold, together with the interest at the rate of twenty-five *per cent per annum*, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within a year after such disability shall be removed.

Lands not redeemed to be conveyed to purchaser.

SECTION 17. Any lot or tract of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided.

Assignee of certificate of sale may receive deed of land.

SECTION 18. The assignee of any tax certificate by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect, as though he had been the original purchaser.

For want of bidders city may be purchaser at tax sale.

SECTION 19. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this act, the city treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the city treasurer is authorized to sell the certificates issued therefor, for the amount sold and the interest, and to endorse and transfer such certificates to the purchaser.

Deeds prima facie evidence of facts therein recited.

SECTION 20. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds, so far as they effect the validity of the title conveyed by such deed.

Redemption certificates.

SECTION 21. The city treasurer shall receive all money that shall be legally tendered him for the redemption of lands sold for taxes. He shall execute to the person so redeeming a certificate, specifying therein the name of the pur-

chaser of the lands redeemed, and the amount of the redemption money paid, and shall also enter on the sale list kept by him the name of the person redeeming, the sum paid therefor by him and the time when paid. Said certificate shall be evidence of such redemption, and he shall keep an account thereof and pay the same over on demand of the person entitled to recover the same. He shall cancel all certificates so redeemed, and preserve the same in his office. He shall deliver over to his successor all redemption money in his hands, with the statement of the amount so received.

Treasurer's fees.

SECTION 22. The city treasurer of said city shall collect as fees for the collection of taxes, two *per cent.* upon all taxes collected by or paid to him after the first Monday of January and befor the first Monday of February in each year, and in addition thereto one *per cent.* per month for each month that taxes shall remain unpaid, after the first Monday of February of each year, up to the time of sales of lands or personal property for taxes. And, in case of the distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sale of goods upon execution; for each certificate by him issued on sale of lands for payment of taxes and assessments, ten cents (to be added to the amount of such tax or assessments, and included in such certificate) for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or tract embraced in such deed, to be paid by the person receiving the same, and for each tax deed executed by him one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving same. The city treasurer shall collect the fees hereinbefore prescribed, and pay them into the city treasury, as hereinbefore provided.

City treasurer to pay county treasurer state tax.

SECTION 23. The treasurer shall on or before the third Monday in January in each year, pay to the county treasurer, the state tax assessed upon the real estate and personal property in said city.

Collection of personal property tax.

SECTION 24. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in

the tax list, he shall proceed in all things according to the general laws of this state on the subject of taxation, and institute such action or proceeding against such person as is now or may hereafter be provided for in such cases.

Council may select depository for public funds.

SECTION 25. The common council may, by resolution, at their first annual meeting, or at any time thereafter, select some bank, banks or banking association in or without the limits of said city, where all the moneys in the treasury of said city, or which shall hereafter be collected or received by the treasurer, shall be deposited; provided, however, that the depository or depositories so selected, shall, before receiving such funds, give security to any amount fixed by said council, and in the same manner as now required of the treasurer of the city, conditional upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

Deposit of public funds.

SECTION 26. The city treasurer shall daily deposit with the bank, banks or banking association, so selected, all money collected or received by him during the day, it or they giving proper vouchers therefor. From the time of so depositing said moneys, the treasurer shall be relieved from all liability to the city arising from the failure of said bank, banks, or banking association, safely to keep said funds and to account for the same. Such funds shall be drawn out only by the check of said treasurer, countersigned by the city clerk.

Same.

SECTION 27. The common council may before or after so selecting a depository or depositories, contract with such bank, banks, or banking associations, that it or they shall pay to the city such interest upon said funds, as they may mutually agree upon. The council may at any time direct all sums so deposited to be paid into the city treasury or to such other bank, banks, or banking association, as they may select under the law, and they may at any time require such depository or depositories, to give new or additional securities for such funds.

CHAPTER VII.

OPENING STREETS AND ALLEYS.

Petition to council for laying out of public grounds, streets, alleys, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any one ward shall, by petition, represent to the common council, that it is necessary to take certain lands within the wards where such petitioners reside, for the public use, for the purpose of laying out public squares, grounds, streets and alleys, or the enlarging or widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition. The common council may then, by resolution, resolve to grant the prayer of said petitioners; and they shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall declare, by resolution, its purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where, it will apply to the county judge of Brown county, for a jury to condemn and appraise the same.

Notice of application for appointment of jury to condemn lands.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street commis-

sioner or city marshal, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be evidence of the facts stated therein. If the notice can not be so given as to all the parcels, then the same shall be also published once in each week for three consecutive weeks, in a newspaper published in the city, and the affidavit of the printer or foreman of such newspaper shall be evidence of such publication. Such notice shall be served, and such publication made, for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall, before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security satisfactory to the county judge, and act for such ward.

Appointment of jury.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the last section, shall be filed with the county judge, who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not residents of said ward, nor interested in said application. He shall hear and decide any challenges for cause or favor made to anyone, and if sustained shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of the county judge, each party, the common council by the city attorney of said city on one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a juror to view the lands and appraise damages in the said proceedings, and at

the same time shall publicly adjourn the proceedings to the time and place so named, such precept shall be served by the street commissioner or city marshal of said city, at least one day before such appointed time by reading the same to each such juror or by leaving a copy at his usual place of abode in presence of a member of his family.

Jurors to be sworn.

SECTION 4. The jurors summoned shall appear at the time and place named, and if any be excused by the county judge, or fail to attend, he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to the law

Jury to view lands and hear testimony; verdict.

SECTION 5. Under the direction of the county judge the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party; and for such purpose the county judge shall possess the same powers as a court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands, or any part thereof, for such purpose, describing such as it finds necessary to be taken, and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each, by reason of the taking thereof. In estimating which, it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement, and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the consent of the jury and they shall be thereupon discharged, and their verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and

there selected, and shall be summoned and sworn, and shall proceed in the same manner.

Appeals from award of damages by owner or city.

SECTION 6. Within ten days after such verdict, any land owner, whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, by filing with such county judge a motion of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith an undertaking with two sufficient sureties to be approved by the county judge, to pay all costs that may be awarded against such appellant or appeal, and paying such county judge for his return thereof. The city may likewise appeal from the award of damages, to any owner, by filing with such county judge a notice of appeal specifying whether the appeal is from the whole award to such owner or a part, and if a part what part, and paying such county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a copy of all papers and proceedings before him with his certificate thereof. He shall, after the time for appeal has expired, file with the city clerk, annexed together all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, as he shall briefly specify, and the city clerk shall record all such proceedings.

Trial of appeal in circuit court.

SECTION 7. Upon the filing of such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury unless waived, and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from, otherwise against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

SECTION 8. If the verdict of the jury shall determine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when it recovers costs in the circuit court or supreme court. All persons and witnesses in proceedings under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Action of council on verdict of jury.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part, not less than one-half of such expenses as a tax upon such property as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner, if known, and the amount levied thereon set opposite. Such resolution signed by the city clerk and the mayor, shall be published once in each week, for two weeks, in a newspaper published in said city, and a notice therewith, that at a certain time therein stated, the common council will meet at its usual place of meeting and hear all objections which may be made to such assessment or any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify assessment in whole or in part, and shall adopt a resolution

Expenses, damages and costs of taking property and making improvements, how paid.

which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sum so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots or parcels of land in the tax roll, in addition to and as part of all other city taxes, therein levied on such land to be collected therewith.

CHAPTER VIII.

SEWERS.

Council may order construction of sewers, when.

SECTION 1. The common council may order the construction or re-construction of a sewer or sewers in said city, the expense of which shall be chargeable to the lot or parts of lots, or parcels of land abutting thereon whenever a majority or more of the owners of the land liable therefor shall petition in writing for the same; and in case a sewer shall be laid along the center of a street, the property on each side of said street shall bear its portion, or one-half of said expense, and unless otherwise provided, sewers shall be laid along the center of the street, but the common council may direct the same to be laid upon either or both sides of the street instead of the center, in which case the property on each side of the street shall bear the expense of the sewer upon such side.

Plans and specifications to be filed with city clerk; advertisements for proposals; contracts, how let.

SECTION 2 Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvements to be filed with the city clerk for the inspection and guidance of bidders. Upon the filing of such plans and specifications the clerk shall immediately advertise for proposals for doing the same, in such manner as the common council shall direct. Such notice shall state the nature of the improvement, the time within which it shall be completed, that plans and specifications thereof are on file in the city clerk's office, and shall also state when and up to what time bids shall be

received. All bids shall be opened in a general or special meeting of the common council. All contracts shall be let to the lowest, reasonable, responsible bidder, but the council may reject any and all bids.

Assessments for sewer purposes how made.

SECTION 3. After the contract for the construction of a sewer has been entered into the common council shall make or cause to be made, an assessment against all lots or parts of lots fronting or abutting on each side of the proposed sewer for its whole length, of fifty cents per lineal foot, of the whole frontage of each lot or part of lot, except corner lots, which shall be assessed for sewer purposes as follows: If the corner lot or any parcel thereof constituting the actual corner has been previously assessed for a sewer along its front or sides, the number of feet frontage on which such previous assessment was laid shall be deducted from the number of feet of such lot or part of lot fronting the line of the proposed sewer, and the difference only shall be assessed for the proposed sewer. If the actual cost of any sewer laid along the center of any street, as a whole shall be less than one dollar per lineal foot, or if the actual cost of any sewer, laid along the side of any street, as a whole shall be less than fifty cents per lineal foot then and in either such case the abutting lots shall be assessed on a basis of such actual cost.

Contractor entitled to sewer certificates in payment for work; form of certificates; collection of same.

SECTION 4. Upon completion of the work done under contract as provided in section 2, and the acceptance thereof in writing by the street commissioner and the committee on streets and bridges, the contractor shall be entitled to a certificate therefor which shall be signed and issued by the mayor and street commissioner and countersigned by the city clerk. Said certificate shall be for the respective amounts assessed against the several lots as hereinbefore provided; shall state the amount due for work done by such contractor, the nature thereof, a description of the lot or parcel of land upon which the same is chargeable, and shall be received by him at their face value, upon the payment of the contract price. Said certificates may be transferred by endorsement thereon and if the amount thereof is not paid before the time of making out the annual tax roll, the certificate may be filed with the city clerk and

the amount thereof shall be assessed upon the said lots or land respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate as other taxes on real estate are collected under this act. No informality or error in the proceedings shall invalidate such assessment.

Residue of contract price and cost of sewers in street and alley crossings, etc., how paid.

SECTION 5. The residue of the contract price, the cost of all sewers in street and alley crossings, of all catch-basins for receiving the water from the gutters and of the overflow pipes connecting them with the sewers, of all temporary catch-basins and of the repairing and cleaning of sewers shall be paid for out of the general funds of the city. All cleaning and repairing of sewers and catch-basins and all temporary work necessary to be done as above stated shall be done by authority of the street commissioner as may be necessary.

Sewer not to be constructed until first ordered by common council.

SECTION 6. No sewer or drain shall be constructed on, along or under any street or alley in the city unless first ordered by the common council, and shall be constructed in such manner and of such material as the council in said order shall prescribe. No private drain or sewer shall be connected with any sewer built upon or along any street without a permit first obtained from the common council, nor shall such connection then be made except under the direction and supervision of the street commissioner. The council may pass ordinances with fines and penalties, enforce the provisions of this section, and may cause any connection made in violation hereof to be broken up and destroyed.

Ventilation and trapping of drains, soil pipes, etc.

SECTION 7. The common council of said city shall provide by ordinance for the proper ventilating and trapping of all drains, soil pipes and fixtures hereafter constructed to connect with or be used in connection with the sewerage or water supply of the city, and provide for the enforcement of all regulations and provisions of such ordinance by fines and penalties. The common council may also by ordinance, regulate the use of vent, soil, drain, sewer and water pipes, in all buildings in said city, specifying dimensions, strength and material of which the same shall be made, and may prohibit the introduction and use

into any building of any style of fixture, trap or connection, which shall be or become dangerous to health, or for any reason unfit to be used, and enforce the same by proper penalties.

CHAPTER IX.

SIDEWALKS.

Owners of lots to construct sidewalks when so ordered by council; proceedings on neglect or refusal of owners to construct same.

SECTION 1. Sidewalks shall be constructed of such width, in such manner and of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of such lot or piece of ground shall not construct such sidewalks as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city for at least one week, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until ten days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk by the publication of the same at least once in the official paper of the city.

Assessment for construction of sidewalk.

SECTION 2. After the contract for the construction of any sidewalk shall have been entered into, the common council shall make an assessment against all lots or parts of lots fronting or abutting on same, of the amount of the cost of such construction.

Contractor entitled to certificates upon approval of work done.

SECTION 3. Upon the completion of the work done under contract as aforesaid, and the acceptance thereof, the contractor shall be entitled to a certificate therefor, which shall be signed and issued by the mayor and street commissioner, and

countersigned by the city clerk. Said certificate shall be the same in form and may be transferred in the same manner as is provided in this act for certificates issued to the contractor for building sewers, and the contractor shall receive said certificates at their face value in payment of contract price.

Cost of repair of sidewalks, how paid.

SECTION 4. The cost of keeping in repair all sidewalks of said city shall be a proper charge upon the whole city, and shall be paid out of the general fund thereof.

CHAPTER X.

GRADING AND PAVING.

Council may order grading and paving of streets, alleys, etc., and let contracts for same, when.

SECTION 1. The common council of the city of Fort Howard, shall have power to order and contract for the making, grading, paving and re-paving of streets and parts of streets, alleys, public grounds, reservoirs and gutters in the manner hereinafter provided; and to direct and control the person so employed, and to charge the expense thereof to lots or parts of lots or parcels of land abutting thereon, whenever a majority or more of the owners of the land liable therefor, shall petition in writing for the same, or without such petition, on an affirmative vote of two-thirds of all the aldermen elected to the common council, and provided that the ordinance for such paving shall lie over after being presented in the council at least one week before final action thereon.

Costs and expenses of surveys and estimating work to be paid by city; cost of grading, paving, etc., to be charged to lots.

SECTION 2. The costs and expenses of surveying streets, alleys and gutters, and of estimating work thereon in the execution of any public improvement shall be chargeable to and paid by the city. The costs and expenses of opening, grading, planking and paving of streets and alleys shall be chargeable to and payable wholly by the lots or land fronting on such street or alley, so that each lot and parcel of land shall pay for work between the front of such lot or parcel of land and the center of such street or alley; provided, however, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all

such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the streets and alleys or public grounds.

Plans and specifications to be filed in office of city clerk. Advertisements for proposals.

SECTION 3. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause plans and specifications thereof to be made and filed in the office of the city clerk, for the inspection and guidance of bidders. Upon the filing of such plans and specifications the clerk shall immediately advertise for proposals for doing the same in such manner as the common council shall direct. Such notice shall state the nature of the improvement, the time within which it must be completed, that plans and specifications thereof are on file in the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. All contracts shall be let to the lowest reasonable, responsible bidder, but the council may reject any and all bids, and may require such contractors to perform such contracts within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract when approved by the council shall be executed on the part of the city by the mayor and countersigned by the city clerk.

Assessment of lots for cost of improvements.

SECTION 4. After the contract for the construction of such improvement has been entered into, the common council shall make or cause to be made an assessment against all lots or parts of lots or parcels of land fronting or abutting on each side of the street where said proposed improvement is to be made, of the amount of the cost of said improvement along the entire front of each said lot or parcel of land, to the center of the street, which cost they shall carefully estimate, from the contract price, proportionate to the work done along the front of said lot or parcel of land.

On completion of work contractor entitled to certificates therefor; certificates, what to contain.

SECTION 5. Whenever any work has been done under contract as provided in this chapter, and the work shall have been approved by the street commissioner and the committee on streets and bridges, in writing, the contractor shall be entitled to a certificate therefor, which shall be

signed and issued by the mayor and street commissioner and countersigned by the city clerk. Said certificates shall be for the respective amounts assessed against the several lots as hereinbefore provided, shall state the amount due for work done by such contractor, the nature of said work, a description of the lot or parcel of land upon which the same is chargeable, and shall be received by him at their face value upon the payment of the contract price. Said certificates may be transferred by endorsement thereon, and if the amount thereof is not paid before the time of making out the annual tax roll, the certificate may be filed with the city clerk, and the amount thereof shall be assessed upon the said lots or land respectively as a special tax, and shall be collected for the benefit of the holder of the said certificate as other taxes on real estate are collected under this act. No error or informality in the proceedings unless such error shall be affirmatively and clearly shown to have substantially increased the amount chargeable to any lot of land, beyond the reasonable cost of the improvent shall invalidate such assessment or any assessment under this chapter, and then only to the extent of the excess over and above the fair cost of such improvement, and no action based upon any such error or informality shall in any case be maintained unless the plaintiff shall before commencing said action have tendered to the city treasurer the fair amount of the cost of such improvement.

Residue of cost to be paid out of general fund.

SECTION 6. The residue of the contract price of said improvements, not chargeable to lots or parcels of land as aforesaid, shall be paid for out of the general funds of the city.

Form of improvement notice.

SECTION 7. As soon as the amount chargeable to the abutting real estate, lots or parcels of land has been determined, whether before or after the completion of such improvement, the common council may, in their discretion, cause a notice to be published in the official paper of the city, substantially in the following form:

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been let for ..... (describe the work and street), and that the expense of said improvements chargeable to the abutting land and real estate, has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate, lots or parcels of land, to pay the special assessments, and such bonds will be issued, covering all said assessments, except in case where the owner of the property shall file with the city clerk within thirty days after the date of the publication of this notice, a written notice that he elects to pay the special assessment on his property, describing the same on presentation of the certificates.

Issuing of improvement bonds.

SECTION 8. After the expiration of thirty days from the date of publication of said notice the common council may issue improvement bonds covering all the assessments except such as the owners have filed notices of election to pay as stated in the preceding section Said bonds shall be signed by the mayor and city clerk, be sealed with the corporate seal of the city and contain such recitals as may be necessary to show that they are chargeable to particular property, and specifying the number and amount of said bonds.

Form of and conditions of bonds.

SECTION 9. Said bonds shall be semi-annual interest coupon bonds; one-third of said bonds shall be drawn payable in one year, one third in two years and one-third in three years from their date, and shall draw interest at a rate not exceeding five *per cent. per annum.* When any of said bonds are paid they shall be filed with the city clerk and marked across the face with the words "Returned not to be re-issued," but shall not be cancelled until the special assessment for which they were issued has been paid by the owner of the lots or lands against which they were issued, but shall remain a lien upon said lot or land in favor of the city.

Statement of special assessments on which bonds are issued to be filed with city clerk.

SECTION 10. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued and record the same, together with a copy of such bonds in his office,

and said record shall be constructive notice to all persons of the lien of said special assessments until the same is fully paid, and shall be at all times open to the public for inspection.

Treasurer to pay interest and principal on bonds.

SECTION 11. The city treasurer shall pay the interest on, and principal of, said bonds as the same become due and charge the amount to the proper funds.

One-third of special assessments shall be extended on tax roll each year.

SECTION 12. In each year after the issuing of said bonds, when the tax roll of the year is prepared, one-third of the special assessment on each lot or parcel of land covered by said bonds, with five *per cent.* interest on said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property, and thereafter these taxes shall be treated in all respects as any other taxes, and when collected the same shall be kept in a separate fund for the payment of the said bonds.

Owner of lot may make improvements opposite lot; in case of neglect or failure council shall let contract to lowest bidder.

SECTION 13. Whenever the common council shall deem it advisable they may, before advertising for bids for making any of the improvements hereinbefore mentioned, permit such of the owners of abutting lands as may desire so to do, to make the improvement opposite to their several lots or parcels of land, according to the plans and specifications on file, under the supervision of the street commissioner and committee on streets and bridges. In such case the common council shall cause a notice to the owners of said abutting lots or lands, to be published in the official paper, which notice shall set forth the nature of the improvements to be made and the location thereof, the time within which it must be completed, and that unless completed within said time the same will be let to the lowest bidder. At the expiration of the time limited for the completion of said work by the owners of the abutting lots or land, if any of said work remains to be done the council shall proceed to advertise and contract for the same in the manner provided in the preceding sections of this chapter.

After bonds issued, action not maintainable to avoid assessment.

SECTION 14. No action shall be maintained to avoid any special assessment or taxes levied pursuant to the same, after bonds have been issued, covering such special assessment, and such bonds shall be conclusive proof of the facts and of

the legality of all proceedings on which the same are based.

SECTION 15. The cost of keeping in repair all roads, streets, alley, gutters, sewers and public grounds except as in this chapter otherwise provided, shall be a proper charge upon the whole city and shall be paid out of the general fund thereof.

Cost of repair of roads, streets, alleys, sewers, etc., to be paid by city except as otherwise herein provided.

CHAPTER XI.

PUBLIC SCHOOLS.

SECTION 1. The board of education of the city of Fort Howard shall consist of seven school commissioners to be elected by the common council in the manner herinafter provided, one to be elected from each ward and one from the city at large.

Board of education, how constituted.

SECTION 2. All members of the board of education now in office shall hold their respective offices for the full term for which they were elected, and until their successors are elected and qualified. The school commissioners shall hold their office for two years and until their successors are elected and qualified. The common council shall at their first meeting in April of each year, elect three commissioners whose term of office shall be two years, and once in two years they shall elect one commissioner from the city at large to hold two years. The members of the board of education when elected shall choose their own presiding officer. The first regular meeting of said board in each year shall be upon the first Tuesday of June.

Terms of office of members.

SECTION 3. The school commissioners elected under the provisions of section 1, of this chapter shall form the "Board of Education of the City of Fort Howard," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Filling of vacancies in board.

SECTION 4. The board of education shall, at their first meeting, in July of each year, or within

City superintendent of schools.

fifteen days thereafter, elect some suitable person having the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first day of August in each year, and who shall hold his office for one year and thereafter until his successor shall be elected and qualified, unless sooner removed by a two-thirds vote of all the members-elect of the board of education, or by a two-thirds vote of the council, for misconduct or other sufficient cause.

President of board of education.; his powers and duties.

SECTION 5. The board of education shall, at its first regular meeting in each year, elect one of its members president, who shall preside at all meetings of the board and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money or the adoption of new text-books, the votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; provided, further, that in the absence of the president, the board shall elect a president *pro tempore*.

Meetings of board.

SECTION 6. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing, of the time and place of such meeting, or if not found, a copy of such notice shall be left at his usual place of abode, with some member of the family, of suitable age and discretion.

Salary of city superintendent of schools.

SECTION 7. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year, by the board of education.

Duties of board.

SECTION 8. The duties of the board of education shall be as follows:

1st. To elect at their regular meeting in July a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter. Elect city superintendent.

2nd. To decide upon the number of teachers to be employed, the grade of school to be kept by each and the amount of salary to be paid each, and to hire and make contracts with teachers, and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher, and by said board of education, or by some member thereof, designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to the teacher. The teachers for the ensuing year may be appointed at any time after the first day of March, and shall be appointed before the first day of July. Contracts with teachers and grading of schools.

3d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in the text-books and to adopt and reject text-books at will. Terms and vacations and text-books.

4th. To establish rules and regulations for schools not to conflict with the constitution or laws of this state; but the mayor and council may, in their discretion do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city. Rules and regulations for schools.

5th. To make contracts for fuel, stationery, and articles of furniture required for the use of the schools, to make all necessary repairs in school houses, and to contract for janitor work, such as lighting fires, sweeping school rooms, ets., and such contracts when executed shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board. Contracts for fuel, stationery, etc.; repairs, etc.

6th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council showing the amount of teachers' wages that have accrued Statement to be made annually to mayor and council.

and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized, which book or books shall be subject to inspection in the same manner as the record of the proceedings of said board, and they shall, at the same time, submit for the consideration of the council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amounts required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund and the amount to be received from the county school tax during the ensuing year.

School census.

7th. To cause a school census to be taken each year showing the number of children of school age and such other facts as may be required by law or the rules of said board.

Repairs costing to exceed three hundred dollars how made; building of additional school houses.

SECTION 9. Whenever repairs to a larger amount than three hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school house shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a majority vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said

board to enter into contracts for making such repairs, or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

SECTION 10. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasury, payable out of the school fund for teachers' and janitors' wages, and all other expenditures authorized by this act. President and secretary to draw orders on city treasury for school purposes.

SECTION 11. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void. Members not to be interested in contracts.

SECTION 12. The duties of city superintendent shall be as follows: Duties of city superintendent of schools.

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city. He shall hold one public teachers' examinatition before the first day of August each year. Examination of teachers.

2nd. To annul a teacher's certificate whenever he may think proper; provided, that such teacher shall have the right to appeal to the board of education. Annul certificates, when.

3d. To visit each school department in said city as often as may be necessary for supervision. Visiting schools.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and report such alterations therein from time to time, as he may think most beneficial for the schools in said city. Reports.

5th. To report to the board of education at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall in his judgment, conduce to their welfare and to perform such other duties as may be required of him by the board. Reports.

6th. He shall make such reports to the state superintendent or otherwise as may be required by the general school laws of the state. Reports.

Secretary of board of education.

7th. He shall attend all the meetings of the board of education, and act as secretary thereof, and then make any suggestions he may think advisable relative to the government of the schools in said city.

CHAPTER XII.

FIRE DEPARTMENT — FIRE LIMITS.

Council may fix fire limits.

SECTION 1. The common council, for the purposes of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing and re-building of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damages.

Construction of chimneys, fire places, hearths, ovens, etc.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; and to prevent the deposit of ashes in unsafe places; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SECTION 3. The common council shall have full power to purchase fire-engines, hose and all

other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered. Each company shall not exceed fifteen able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every active member of said company hereby authorized to be formed, shall be exempt from highway work, poll tax and from serving on juries during the continuance of such membership; and any person having served for the term of ten years in either such companies, shall be forever thereafter exempt from poll tax and military and jury duty.

Purchase of engines, hose and other fire apparatus; organization of fire-engine, hook and ladder and hose companies.

SECTION 4. The city mayor shall nominate one fire warden for each ward of the city, and present their names to the common council at its first regular meeting in each year, and said council shall confirm or reject said nominations, and if rejected the mayor shall make other nominations in place of those rejected, and present their names to the council. Said fire wardens, when so appointed shall serve for a term of one year and shall perform such duties as the council shall prescribe.

Fire wardens.

SECTION 5. The net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Fines and penalties collected for breach of ordinances, etc., to be credited to fire department.

SECTION 6. When any person shall refuse to obey the lawful order of the chief engineer, or the assistant chief engineer, fire warden or aldermen of the city, the mayor or chief of police, at any time when said company or companies or any of them are on duty as a company, either at the time of a fire, fire alarm, parade or inspection, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman, or any citizen to arrest such person and to confine him temporarily in any safe place until such companies return with their ap-

Person refusing to obey lawful order of officer at fire may be imprisoned.

paratus to their respective engine houses; and in the same manner such officers, or any of them may direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in such arresting, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack companies.

SECTION 7. The common council shall have power to organize a sack company, or to countenance such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires, shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Fort Howard, and are hereby vested with all the power and authority which now is, or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Annual meeting of members of fire companies; duties of treasurer of fire department.

SECTION 8. There shall be a meeting of the members of the different fire companies on the first Tuesday of January in each year, at such place as may be designated by the chief engineer, when the active members of said companies shall nominate and recommend to the common council, for appointment, one chief engineer, one assistant engineer, one treasurer, and one secretary or clerk. The common council shall there-

upon confirm or reject such nominations, and the persons so appointed shall perform such duties as the common council may prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of the said council. The treasurer of the fire department shall receive and pay out all moneys belonging to said department and shall secure the faithful performance of his duty, by his bond to said city in such penal sum as may be required and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer, and countersigned by the clerk of said department.

Election of officers of fire companies.

SECTION 9. There shall be elected by members of such company, aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the names of each member of their respective companies, and when a member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire companies.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above described; and no person shall be exempt from jury duty unless the name is entered on such list. In case any member shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Brown, a list of all persons who are members of either or all of said companies, exempt from jury duty, on or before the day now appointed for the annual meeting for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year.

CHAPTER XIII.

ACTION TO RECOVER PENALTIES.

Actions to be brought in name of city.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process summons unless oath made for warrant.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in cases of tort before justices of the peace, under general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Brown, }
City of Fort Howard, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Fort Howard:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned ..... in and for said city, at his office in said city, on the ..... day of ....., 18...., at .... o'clock in the ...noon, to answer to the city of Fort Howard, to the damage to said city, two hundred dollars or under.

Given under my hand at the said city this .... day of ....., 18....

C. D., Justice.

Proceedings on return of summons.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter

provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

SECTION 5. When the actions are commenced by summons, the complaint may be substantially in the following form: Form of complaint.

The city of Fort Howard against A. B. In justice court, before C. D., justice.

The plaintiff complains against the defendant, for, that the defendant, on the .... day of ..... 18.., at the said city, did violate (section ...., of chapter ..... of this act, or section ...., of an ordinance or by-law or regulation of said city, describing it by its title), which said ..... is now in force. By reason of such violation an action hath accrued to the city of Fort Howard to recover of the defendant the sum of ..... dollars. Wherefor the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: Form of complaint for warrant.

The city of Fort Howard against A. B.,
in justice court, before C. D., justice, } ss.
County of Brown.

....., being duly sworn, complains on oath to C. D., justice in and for the city of Fort Howard, in said county, that A. B., on the .... day of ....., 18.., at said city did violate (section ... of chapter .... of this act or section .... of an ordinance, or by-law, or regulation of said city, describing it by its title), which said ..... is now in force, as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to the said city of Fort Howard therefor.

Sworn and subscribed to this .. day of ....., 18.., before me.

.....

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof in the foregoing form of complaint, and said complaint may be sworn to

before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Brown, }
City of Fort Howard, } ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Fort Howard, greeting:

Whereas, ... has this day complained to me, in writing, on oath, that A. B. on the .... day of ...., 18.., at said city, did violate (section ...., of chapter ...., of this act, or section ...., of an ordinance or by-law or regulation of said city, describing it by its title), which said ..... is now in full force, as the complainant believes; therefore, you are commanded to arrest the body of A. B., and bring him before me forthwith to answer to the city of Fort Howard, on the complaint aforesaid. J. P.

Justice of the Peace.

Proceedings on return of warrant.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court for his or their appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the county jail of Brown county. The complaint as aforesaid shall be the only complaint required, and the answer of not guilty shall put in issue all subject matter embraced in the action.

Passage and publication of ordinance, by-law, etc., how proven.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses, jurors, etc., to attend in all city cases without payment of fees in advance.

SECTION 8. Witnesses and jurors shall attend before the court in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in

default thereof their attendance may be compelled by attachment.

SECTION 9. In city prosecutions the findings of the court shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form: Judgment on finding.

County of Brown, }
City of Fort Howard, } ss. Form of execution.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of said city, or to the keeper of the common jail of said county, greeting:

Whereas, The city of Fort Howard, on the .... day of ....., 18...., recovered a judgment before the undersigned, ... in and for said city, against ..... for the sum of .... dollars and .... cents, costs of suit for the violation of (section .... of chapter .... of this act or section .... of an ordinance or by law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said ....., excepting such as the law exempts, and make sale thereof, according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ; and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of said ....., and him convey and deliver to the keeper of the common jail in Brown county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said ..... for the term of

....., unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of the law.

Given under my hand this .... day of ....., 18....

J. P.,
Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Appeals.

SECTION 10. Any defendant, feeling aggrieved by the judgment of the justices of the peace, in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit court of the county of Brown, in the manner provided by the general laws of this state for appeals from justices' courts in criminal cases. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

To be for trial at next term of court.

SECTION 11. Said appeals shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the juctice shall be rendered.

Judgment of circuit court on appeal.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinances, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment upon him or them and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Inhabitancy of city not to disqualify judge, justice, juror or witness.

SECTION 13. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances now in force to remain in force until repealed.

SECTION 14. All ordinances and regulations now in force in the city of Fort Howard, and not

inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Actions heretofore accruing shall vest in city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the city attorney thereof, or to take proceedings as by ordinance or resolution of said council may be is such cases provided. Judgments against said city shall be collected in the same manner as judgments against towns. Service of process, how made on city.

SECTION 17. All penalties and forfeitures recovered under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 13, of this act. Disposition of penalties and forfeitures.

SECTION 18. No execution or attachment in any legal proceedings shall be issued or levied upon or against any property belonging to the city of Fort Howard. Nor shall private property in said city be subject to levy or seizure upon attachment or execution, issued to collect or satisfy any contract, debt, obligation, demand or judgment against said city. Property of city exempt from seizure. Private property not to be taken for city debt.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contract. City work to be let by contract.

SECTION 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act. Money for what purposes may be appropriated.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or dis- When judgment may be remitted or discharged.

charged, except by a two-thirds vote of the aldermen-elect.

New surveys.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks, as they may deem necessary, and cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Brown.

Surveys and land marks so made and established prima facie evidence of lines, boundaries, etc., of streets, alleys, etc.

SECTION 5. The surveys and landmarks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Grade of streets, alleys, etc., may be established by council.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made one of which shall be filed in the office of the register of deeds of Brown county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city, from ordering or causing to be done the grading of any street within their ward to a temporary grade, to be established by such commissioners.

City may purchase and hold necessary real and personal property.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

All real estate subject to special taxes.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

SECTION 9. Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Fort Howard, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons or corporation making such plats, to submit the same to the common council of said city for approval; and if such plat shall be approved by the common council, the said person or persons or corporation may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed thereto or entered on such plat, it shall not be lawful for the register of deeds of the county of Brown to receive such plat for record, or to record the same, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid approving the same, being entered on or affixed thereto shall forfeit a sum not less than fifty nor more than one hundred dollars. Platting of city lots; duty of owner.

SECTION 10. When the city of Fort Howard deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Fort Howard and the person or persons authorized to execute such deed or lease need not be named in the body thereof. Form of deeds or leases of city.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of said city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowl- Mayor shall execute conveyances.

edged, as is provided for the execution of deeds and conveyances.

Copy of resolution authorizing transfer to be attached to conveyance.

SECTION 12. When any deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease; and such copy so attached, and the record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Election not held at time herein prescribed may be held at some other time.

SECTION 13. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving such corporation, but such election or organization may be had on any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer, at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed.

General law contravening provisions of this act shall operate as repeal hereof unless expressly set forth. Limits of city shall not be changed without consent of people of said city.

SECTION 14. No general laws of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment; and no general or local law of this state to divide this city or annex the same to any other city or town shall have effect, without the consent of the people of the city of Fort Howard first had, by submitting such division or annexation to a vote of the people of said city at a regular charter election of the city of Fort Howard aforesaid.

Board of health how constituted; its powers and duties.

SECTION 15. The board of health of said city shall consist of one member from each ward and one from the city at large. The members of said board shall be appointed by the mayor and confirmed by the common council. The member appointed from the city at large, shall be a practicing physician of said city, and shall be president of the board. Said board shall have and exercise all the powers conferred on boards of health by

the general statutes of the state, and such further powers and duties as the common council may prescribe.

SECTION 16. The common council shall have power to appropriate a sum not exceeding three hundred dollars to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen-elect. Council may appropriate not to exceed three hundred dollars to any public purpose.

SECTION 17. The mayor and aldermen and members of the board of education shall serve without compensation. Salaries.

SECTION 18. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any ordinance, contract, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts or any former acts incorporating the city of Fort Howard, or any amendments thereto; but they shall exist and be enforced and carried out and be completed as fully and effectually to all intents and purposes, as if this act had not been passed. Repealing clause.

SECTION 19. This act shall take effect and be enforced from and after its passage.

Approved April 24, 1891.

No. 858, A.] [Published May 21, 1891.

CHAPTER 423.

AN ACT to amend chapter 162 of the laws of 1887, being the charter of the city of La Crosse, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subchapter 4, of chapter 162, of the laws of 1887, is hereby amended by adding thereto a new section to be known as section 9, as fol- Amends chapter 162, laws of 1887.

Vacancy in office of tax commissioner.

laws: "Section 9. In case a vacancy shall occur in the office of tax commissioner, the common council may appoint a tax commissioner to fill said vacancy and hold said office for the balance of the unexpired term."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1891.

No. 810, A.] [Published May 20, 1891.

CHAPTER 426.

AN ACT to amend section 1, chapter 450, laws of 1887, entitled, an act to declare parts of certain avenues in the city of Milwaukee, boulevards or pleasure ways, and to regulate the use of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874, as amended.

Declaring certain streets boulevards.

SECTION 1. Chapter 184, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended, together with the several acts amendatory thereof, by adding thereto a new section, which shall read as follows: Prospect avenue from Juneau avenue, north to La Fayette place, in the First ward, and Grand avenue from Eight street, west to the city limits or Western avenue, in the Fourth and Sixteenth wards of the city of Milwaukee, are hereby constituted and declared to be boulevards or pleasure ways.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1891.

No. 539, A.] [Published May 12, 1891.

CHAPTER 437.

AN ACT to amend section 16, of chapter 5, of chapter 184, laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874 as amended.

SECTION 1. Section 16, of chapter 5, of chapter 184, of the laws of 1874, entitled, "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof, is hereby further amended so that as amended, it shall read as follows: Section 16. All work and the purchase of supplies or material, chargeable to any ward fund or or to any city fund, including incidental printing, when the cost thereof shall exceed the sum of two hundred dollars, except street cleaning, shall be let by contract, to the lowest bidder in the manner provided by sections 10, 11, and 13, of this chapter; and no indebtedness shall be incurred in excess of the amount herein limited without a formal contract, let to the lowest bidder and all work done or supplies and material purchased, exceeding in cost, two hundred dollars, shall be done and purchased, when practicable, by said board, by contract, which shall be let after due notice, inviting proposals, in the manner provided for the letting of contracts for the doing of public work. All accounts for such work, or for the furnishing of such materials shall, before being allowed by the common council, be audited by the comptroller, and all such accounts for work done or materials furnished, under the supervision of the board of public works, shall be certified by them before being audited.

When city work to be let by contract.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1891.

No. 249, S.] [Published May 21, 1891.

CHAPTER 444.

AN ACT to amend chapter 174, of the laws of 1883, entitled, "An act to incorporate the city of De Pere," as amended by chapter 92, laws of 1885, and chapter 53, laws of 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 174, laws of 1883.

Boundaries of city.

SECTION 1. Section 1, of chapter 1, of chapter 174, of the laws of 1883, is hereby amended so as to read as follows: Section 1. The district of country in the county of Brown, contained within the following boundaries, shall be a city by the name of De Pere, to-wit: Commencing at the middle of the channel of Fox river, where the north line of private claim number twenty-nine, on the east side of Fox river, intersects, or if extended, would intersect said channel, running thence easterly along said north line of private claim number twenty-nine, on the east side of Fox river, to a point eighty-three rods beyond its crossing of the highway known as the "New Ridge Road," running thence in a straight line at right angles to said claim line, to the south line of private claim number thirty-six, on the east side of Fox river, running thence westerly along the said south line of said claim number thirty-six, to the center of the channel of Fox river aforesaid, and running thence in a southerly direction along the middle of the channel of said river, to a point where a line extending easterly from the southern point of lot number three, in section thirty-three, town twenty-three range twenty, and parallel to the southern boundary line of said section, intersects the said middle thread of Fox river; thence westerly to the western boundary line of said lot three, thence northerly to the northwest corner of said lot three, thence easterly along the northern boundary of said lot three to the western boundary of lot two in said section, thence northerly along the western boundary of lots number one and two in said

section thirty-three, to the northern boundary of said section, thence easterly along said northern boundary to the western boundary of lot number five, in section twenty-eight, in said town and range. Thence northerly along the western boundary of lots number four and five, in said section twenty-eight, to the center point of said section twenty-eight, thence westerly along the quarter section lines, through the center of sections twenty-eight and twenty-nine, to the center point of said section twenty-nine, thence northerly on the quarter section line to the Ashwaubenon creek, thence northerly along the border of said creek to the northern boundary line of said section twenty-nine, thence easterly on said northern boundary line of said section twenty-nine, to the southwest corner of lot number four, in section number twenty, town twenty-three, range twenty, thence northerly along the western boundary line of said lot four, to the southern boundary line of private claim number twenty-nine, thence westerly along said boundary line to the center of said Ashwaubenon creek, thence northerly along the center of said creek, down stream to the point where the center channel line of said Ashwaubenon creek intersects the middle thread of Fox river, thence southerly along the said middle thread of Fox river to the place of beginning, shall comprise the territory and limits of the city of De Pere. And they who inhabit said district shall be a municipal corporation by the name of the city of De Pere, and shall have the general powers possessed by municipal corporations at common law and under the revised statutes, and shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may alter the same at pleasure.

Repeals sec. 2, chap. 1, of chapter 174, laws of 1853.

SECTION 2. Section 2, of said chapter 1, of said chapter 174, is hereby repealed.

Amends chapter 174, laws of 1853.

SECTION 3. Section 3, of said chapter 1, of said chapter 174, is hereby amended so as to read as follows: Section 3. The said city of De Pere shall be divided into four wards as follows: The First ward shall comprise all of that portion of said city

Wards and their boundaries.

First ward.

which lies east of the middle of Fox river and north of a line extending from the middle of said river, in a direct line to and along the center of George street to the dividing line between private claims number thirty-one and thirty-two, east side of Fox river, and thence on said line easterly to the city limits. The Second ward shall comprise all of that portion of said city, which lies east of the middle of Fox river and which is not included in the First ward as above defined. The Third ward shall comprise all that portion of said city which lies west of the middle of Fox river and east of the main track of the Chicago & Northwestern Railway company, as now located, and south of the center line of Main street; also blocks one, two, three, four, five, six and seven in the De Pere company's addition to West De Pere. The Fourth ward shall comprise all that portion of said city which lies west of the middle of said Fox river and which is not included in the Third ward as above defined.

Second ward.

Third ward.

Fourth ward.

Amends chapter 174, laws of 1883, as amended.

SECTION 4. Section 1, of chapter 2, of said chapter 174, as amended by chapter 92, laws of 1885, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor and a treasurer, one assessor who shall be a resident of that portion of the city lying on the east side of said Fox river, and who shall be voted for by the electors of that portion and who shall perform his official duties therein, one assessor who shall be a resident of that portion of said city lying on the west side of Fox river, and who shall be voted for by the electors of that portion and who shall perform his official duties therein; three aldermen, one justice of the peace, and one constable for each ward. All other officers necessary for the proper management of the affairs of the city, shall be appointed by the common council. No person who may have held the office of city treasurer shall be eligible to such office for the succeeding term.

City officers, elective and appointive.

Amends chapter 174, laws of 1883, as amended.

SECTION 5. Section 11, of chapter 2, of said chapter 174, as amended by section 2, of said chapter 92, is hereby amended so as to read as follows: Section 11. Whenever a vacancy shall occur in the office of mayor, the council may order a new election. All other vacancies shall be filled by the common council. The person elected or ap-

Vacancies how filled.

pointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term. Justices of the peace may hold their respective offices and courts in any part of the city.

Amends chapter 174, laws of 1883.

SECTION 6. Section 4, of chapter 4, of said chapter 174, is hereby amended so as to read as follows: Section 4. All laws, ordinances, regulations and resolutions shall be passed by a majority vote of all the aldermen elected, and all ordinances, before the same shall be in force, shall be signed by the mayor and shall be published two weeks in a newspaper selected by the council, printed in said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before said laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of said newspaper, and the said affidavit shall be recorded therewith, and at all times shall be sufficient evidence of the due passage, approval and publication of such ordinance.

Ordinances, rules and regulations how passed and published.

Amends chapter 174, laws of 1883.

SECTION 7. Section 6, of chapter 4, of said chapter 174, is hereby amended so as to read as follows: Section 6. The mayor shall have power to veto any ordinance, act or resolution, passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council, in the manner provided by section 2, of chapter 4, of said chapter 174, to consider such veto and objections, and in case the council shall not within one week after the receipt of such objections or such filing with the clerk, re enact such ordinance or pass such resolution by the vote of three-fourths of the aldermen-elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution, so presented to him within seven

Mayor may veto acts of council, etc.

days after the passage thereof, it shall take effect in the same manner as if he signed it.

Amends chapter 174, laws of 1883.

SECTION 8. Section 1, of chapter 7, of said chapter 174, is hereby amended by adding to the end thereof the following: The cost and expense of establishing grades, surveying streets, alleys or gutters, and the expense of keeping streets and pavements and other street improvements in repair, and the cleaning of gutters and estimating work on streets, shall be chargeable to and payable by the city out of the general street fund, so that said section when amended, shall read as follows: Section 1. The common council may cause any street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved, or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half of the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair or built, when necessary without petition. The cost and expense of establishing grades, surveying streets, alleys or gutters and the expense of keeping streets and pavements and other street improvements in repair, and the cleaning of gutters, and estimating work on streets shall be chargable to and payable by the city out of the general street fund.

Improvement and repair of streets, alleys, etc.

Amends chapter 174, laws of 1883.

SECTION 9. Section 2, of chapter 10, of said chapter 174, is hereby amended so as to read as follows: Section 2. Neither the common council nor any officer of the city, shall issue, at any time, a negotiable order, or borrow any money, except in the manner and for the purposes expressly declared by statute or this act, but the common council may in case of temporary necessity, by a three fourths vote of all the aldermen and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one *per cent.* of the assessed valuation of the property in said city, according to the last assessment, and may give orders on the treasury, pay-

Borrowing of money.

able at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the 1st of March following the date of issue of each of such orders, and for the payment of any such order, the city tax for the same year, or a sufficient amount thereof, shall stand irrevocably pledged.

City divided into assessment, school and sewerage districts.

SECTION 10. The territory of the First and Second wards of said city shall constitute one assessment, school and sewerage district, to be known as district number one. The territory of the Third and Fourth wards of said city shall constitute one assessment, school and sewerage district, to be known as district number two; each district entire and separate from the other, divided by the middle thread of Fox river. The schools and the expenses thereof of the first district of said city shall be and remain as provided for in said chapter 174, as amended by chapter 92, laws of 1885, except that the school commissioners provided for by section 1, of chapter 9, of said chapter 174, as amended by section 3, of chapter 92, laws of 1885, shall be appointed by the mayor upon recommendation of the majority of the aldermen elected for said district. The schools and the expenses thereof of the second district shall be and remain under the general school law of the state and under the jurisdiction of the county school superintendent. Each of said sewerage districts shall have its separate sewerage fund, and a separate sewerage tax, and a separate sewerage account, so that each sewerage district shall make and pay for its own sewerage and be liable for any damage caused in the construction or by mal-construction thereof, and the mayor and common council shall appoint separate street commissioners for each of said districts, each of whom shall reside in and have jurisdiction over the territory in his district.

Acts and ordinances heretofore passed ratified.

SECTION 11. All acts of the common council of said city, since the adoption of the ordinance of consolidation of the cities of De Pere and West De Pere, viz.: August 7, 1889, are hereby ratified and made legal.

Repealing clause.

SECTION 12. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1891.

No. 538 A.] [Published April 30, 1891.

CHAPTER 449.

AN ACT to amend section 2 and 3, of chapter 1, of chapter 184, of 1874, of an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, and the several acts amendatory thereof, and pertaining to the boundaries of the city of Milwaukee and the several wards thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1874, as amended.

Boundaries of city.

SECTION 1. Section 2, of chapter 1, of chapter 184, of the laws of 1874, as amended by chapter 272, of the laws of 1883, and chapter 116, of the laws of 1885, and chapter 37, of the laws of 1887, and chapters 56, 450 and 437 of the laws of 1889, is hereby further amended so as to read as follows: The territory included within the following boundaries and limits shall constitute the city of Milwaukee, to-wit: Beginning on the shore of Lake Michigan where it is intersected by the quarter section line in section ten of township seven north, range twenty-two east, in said county of Milwaukee, running thence west along the said quarter section line to the northwest corner of the southeast one-fourth of section twelve, of township seven north, range twenty-one east, thence south along the north and south quarter section line through said section twelve, and the continuation thereof to the southwest corner of the southeast one-fourth of section twenty-five, of township seven north, range twenty-one east, thence east along the south line of said southeast one fourth section

twenty-five to the south-east corner thereof, thence south along the west line of section thirty-one, of township seven north, range twenty-two east and the continuation thereof, to the south-west corner of the northwest one-fourth of section seven, of township six north, range twenty-two east, thence east on the quarter section line running east and west through said section seven, and the continuation thereof to the one-eighth section line running north and south through the southwest one-fourth of section nine in township six north, range twenty-two east, thence south along said one-eighth section line to the south line of said section nine, thence east along the south line of sections nine and ten to the east boundary of said county of Milwaukee, thence north to a point due east of the place or point of beginning, thence west to said place or point of beginning.

Amends chapter 184, laws of 1874, as amended.

SECTION 2. Section 3, of chapter 1, of chapter 184, of the laws of 1874, as amended by chapter 388, of the laws of 1885, and chapters 36, 37, 38 and 416, of the laws of 1887, are hereby further amended so as to read as follows. The said city shall be divided in eighteen wards numbered and bounded as follows: The First ward shall embrace all that part of said district which lies east of the center of the Milwaukee river, north of the center line of Juneau avenue, south of the center line of Brady street, produced east, to its intersection with the center line of Prospect avenue, thence northeasterly with the center line of Prospect avenue to a point where it would be intersected by the northerly line of lot twenty, in block one hundred and ninety nine, in Rogers' Addition, produced west, thence along the northerly line of said lot to Lake Michigan, thence east to the east boundary of the city. The Second ward shall embrace all that part of said district which lies west of the center of the Milwaukee river, south of the center line of Vliet street, north of the center line of Cedar street, and east of the center line of Thirteenth street. The Third ward shall embrace all that part of said district, which lies east and north of the center line of the Milwaukee river and of the straight cut harbor, and south of the center line of Wisconsin street and a line east from the point

Wards and their boundaries.

First ward.

Second ward.

Third ward.

where the center line of Wisconsin street intersects the shore of Lake Michigan. The Fourth ward shall embrace all that part of said district which lies west of the center line of Milwaukee river, south of the center line of Cedar street, east of the center line of Thirteenth street and of Muskego avenue, to the south boundary line of section thirty and north of the south boundary line of sections twenty-nine and thirty, in township seven north, range twenty-two east. The Fifth ward shall embrace all that part of said district which lies east of the center line of First avenue, south of the south boundary lines of the Fourth and Third wards, hereinbefore described, and north of the center line of Greenfield avenue and its continuation east, to the east boundary of the city. The Sixth ward shall embrace all that part of said district which lies west of the center of the Milwaukee river, north of the center line of Vliet street, east of the center line of Seventh street, and south of the center line of North avenue. The Seventh ward shall embrace all that part of said district which lies east of the center of the Milwaukee river, north of the center of Wisconsin street and a line due east from the point where the center line of Wisconsin street intersects the shore of Lake Michigan, and south of the center line of Juneau avenue. The Eighth ward shall embrace all that part of said district which lies south of the north boundary lines of sections thirty-one and thirty-two, in township seven north, range twenty-two east, west of the center line of First avenue, and north of the center line of Greenfield avenue. The Ninth ward shall embrace all that part of said district which lies west of the center line of Seventh street, north of the center of Vliet street, and south of the center line of Walnut street to its intersection with Fond du Lac avenue, and south of the center line of Fond du Lac avenue to the west boundary line of the city. The Tenth ward shall embrace all that part of said district, which lies west of the center line of Seventh street, between the center lines of Walnut and Burleigh streets, and west of the center line of Louis avenue and its continuation from the center line of Burleigh street to the north boundary line of the city, north of the center line

Fourth ward.

Fifth ward.

Sixth ward.

Seventh ward.

Eighth ward.

Ninth ward.

Tenth ward.

of Walnut street from the center line of Seventh street, to where it intersects the center line of Fond du Lac avenue, and north of the center line of Fond du Lac avenue, to the west boundary of the city, and south of the center line of Burleigh street, from the center of Seventh street to the center of Louis avenue, and south of the north boundary line of the city from the center of Louis avenue, to the west boundary line of said city. The Eleventh ward shall embrace all that part of said district which lies south of the center line of Greenfield avenue, west of the center line of First avenue between the center lines of Greenfield avenue and Maple street and west of the center line of Eighth avenue between the center lines of Maple and Burnham streets and north of the center line of Maple street, between the center lines of First and Eighth avenues, and north of the center line of Burnham street from the center line of Eighth avenue to the intersection with the center line of Forest Home avenue, and north of the center line of Forest Home avenue from the center line of Burnham street to the west boundary line of the city. The Twelfth ward shall embrace the northeast one-fourth of section eight in township six north, range twenty two east, and all that part of said district which lies east of the center line of First avenue, and south of the center line of Greenfield avenue and its continuation to the east boundary of said city, and north of the center line of Lincoln avenue and its continuation east, to the east boundary of said city. The Thirteenth ward shall embrace all that part of said district which lies west of the center line of Milwaukee river, north of the center line of North avenue from the center line of Milwaukee river to the center line of Seventh street, and north of the center line of Burleigh street from the center line of Seventh street to the center line of Louis avenue, and east of the center line of Seventh street from the center line of North avenue to the center line of Burleigh street, and east of the center line of Louis avenue and its continuation north to the north boundary of said city, from the center line of Burleigh street to the north boundary of said city. The Fourteenth ward shall embrace all that part of said district which lies west of the center line of First avenue

Eleventh ward.

Twelfth ward.

Thirteenth ward.

Fourteenth ward.

and south of the center line of Maple street between the center lines of First and Eighth avenues, and south of the center line of Burnham street from the center line of Eighth avenue to the intersection with the center line of Forest Home avenue, and south of the center line of Forest home avenue from the center line of Burnham street to the west boundary line of the city.

Fifteenth ward.

The Fifteenth ward shall embrace all that part of said district which lies west of the center line of Thirteenth street, south of the center line of Vliet street, and north of the center line of Cedar street.

Sixteenth ward.

The Sixteenth ward shall embrace all that part of said district which lies west of the center line of Thirteenth street and Muskego avenue to the south boundary line of section thirty, south of the center line of Cedar street, and north of the center line of canal street.

Seventeenth ward.

The Seventeenth ward shall embrace all that part of said district which lies east of the east line of section eight, in township six north, range twenty two east, and south of the center line of Lincoln avenue and its continuation east to the east boundary of said city.

Eighteenth ward.

The Eighteenth ward shall embrace all that part of said district which lies east of the center line of Milwaukee river from the north boundary line of said city to a point where the center of Milwaukee river would be intersected by the center line of Brady street produced west, and which lies north of the center line of Brady street from said Milwaukee river to the intersection of the center line of Brady street with the center line of Prospect avenue, thence northeasterly along the center line of Prospect avenue to a point where it would be intersected by the northerly line of lot twenty, in block one hundred and ninety-nine, in Roger's Addition, produced west, thence along the northerly line of said lot easterly to Lake Michigan, thence easterly to the east boundary line of said city of Milwaukee.

This act not to repeal city charter; rights of cemetery associations hereunder.

SECTION 3. Nothing in this act shall be considered or construed as repealing or modifying the charter or any existing law pertaining to, or in any way affecting the powers, rights, interests, property exemptions or privileges, of any corporation, society or association, now owning or using for cemetery or burial purposes any lands within the limits described in section

one of this act; and any provisions of the charter or ordinances of the city of Milwaukee, and acts amendatory thereof, and any general statutes of the state, prohibiting the location or use of lands for cemetery or burial purposes within the limits of the city of Milwaukee, or relating to the taking of lands for any public use, or to the opening, vacation or improvement of streets, alleys or highways, or to any other public work or improvements by said city, shall not have reference or application to such corporation, society or association, or any of the lands owned and used by them for cemetery or burial purposes; provided, however, any such corporation, society or association, if it request the same, shall be furnished by said city, upon such terms and regulations as may be just, connections with its water and sewerage systems, and the service of its police and fire departments.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1891.

No. 705, A.] [Published May 18, 1891.

CHAPTER 466.

AN ACT to amend chapter 120, of the laws of Wisconsin of 1887, entitled "An act to amend the charter of the city of Appleton."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That subchapter 7, of chapter 441, of the laws of 1885, as amended by chapter 120, laws of 1887, is hereby amended by adding the following new section thereto, viz: Section 10. The common council, in addition to the powers already granted, shall have power to require the owners of real estate to build, re-build, re-lay or repair sidewalks, hand rails, curbings and gutters in front of their property, and when a street

Amends chapter 441, laws of 1885, as amended.

Council may order building and repairing of sidewalks, gutters, curbings, etc.

or alley shall have been ordered to be paved or macadamized, to require the owners of real estate fronting on the same to lay service gas pipe, water pipe or sewers from their curb lines to any gas or water pipe or sewer in such street or alley, at intervals of not less than twenty feet, and to cut down or remove any noxious trees, or any trees, fences, buildings or other structures, encroaching on any street or sidewalk, in front of their premises, to take down or remove any dilapidated building, ruins, walls or other structure on their premises, endangering travel on the streets or sidewalks; to clear the sidewalks in front of their premises of snow, ice, rubbish or filth; to require them to clean the alleys adjoining their premises to the center thereof. When the common council shall deem it necessary to require any of the things or works mentioned in the foregoing section to be done, it shall make and enter an order requiring the same to be done or performed, briefly describing the real estate in front of which or upon which such work or thing shall be done, and naming a reasonable time after the service of such order, for the performance thereof. The general law requiring the registration of electors shall not apply to the annual municipal or judicial elections hereafter held in said city, and no registry of electors shall be required at any annual or special election held in said city, unless so ordered by the common council.

General law requiring registration of electors at annual municipal or judicial elections not to apply to city of Appleton.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1891.

No. 635, A.] [Published May 13, 1891.

CHAPTER 481.

AN ACT to amend chapter 10, of chapter 184, of the private and local laws of the year 1889, entitled, "An act to revise, consolidate and amend the charter of the city of Eau Claire, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends chapter 184, laws of 1889.

School district. Board of education, election and qualifications of members.

SECTION 1. Section 1, of chapter 10, of chapter 184, of the private and local laws of Wisconsin, for the year 1889, is hereby amended by inserting after the word 'commissioner," where it occurs in the twenty first line of said section, the following: Except such persons who, at the time of such election, shall have been elected to, or be in possession of an elective municipal office in said city, who are hereby declared to be ineligible during the official term of such municipal office to which they shall have been elected or appointed. Also, by striking out of said section 1, the word "July," and the figures "1890," where said word and figures occur in the twenty-third line of said section, and inserting in lieu thereof the word "June," and the figures "1892." Also by striking out of said section the word "July," where the same occurs in the twenty-sixth line thereof, and inserting in lieu thereof, the word "June;" so that said section, when amended, shall read as follows: Section 1. All territory within the present corporate limits of the city of Eau Claire, together with all territory which may hereafter be attached to, and incorporated in said city, on and after the first Monday in July, 1889, shall constitute one school district, which shall be known as the school district of Eau Claire. The school commissioners herein provided for shall be styled, "The Board of Education of Eau Claire," a majority of whom shall constitute a quorum. On the first Monday in July, 1889, each ward in said city shall elect one school commissioner, who shall be a resident of said city and of the ward by which

he is elected, and shall be chosen at an election to be held on said day in the same manner that municipal elections are held in said city, at which election any person who shall be a qualified voter for school officers under the existing law, may vote, and any person who is eligible as a school officer under the existing law, shall be eligible as a school commissioner, except such persons who at the time of such election, shall have been elected to, or in possession of an elective municipal office in said city, who are hereby declared to be ineligible during the official term of such municipal office, to which they shall have been elected or appointed, and at such elections the polls shall be kept open until sundown. And on the first Monday in June, 1892, and biennially thereafter a similar election shall be held in each of the even numbered wards of said city; and on the first Monday of June, 1891, and biennially thereafter, a similar election shall be held in each of the odd numbered wards of said city; and all school commissioners so elected and qualified, shall hold office for two years, and until their successors are elected and qualified, except those elected on the first Monday in July, 1889, by the even numbered wards, who shall hold for one year, and until their successors shall be elected and qualified.

Amends chapter 184, laws of 1889.

Compensation of members.

SECTION 2. Chapter 10, of said chapter 184, of the laws of 1889, is hereby amended by adding thereto the following section, to be known and designated as section number 18, of said chapter 10, and said section 18 shall read as follows: Section 18. No compensation shall be paid to, or received by any school commissioner, for any labor performed or services rendered as such school commissioner; provided that nothing herein contained shall prevent said board of education from selecting one of its members as secretary thereof, at such compensation as may be fixed and determined by said board.

Amends chapter 184, laws of 1889.

May borrow money to build and equip high school, etc. Question to be submitted to electors.

SECTION 3. Section 7, of chapter 10, of chapter 184, of the private and local laws of 1889, is hereby amended by adding to section 7, of said chapter 10, a subdivision to be known as subdivision 7, as follows:

7th. To borrow, not exceeding forty thousand dollars, for a period of twenty years, of the school fund of the state, and the school land

commissioners are hereby authorized to loan not exceeding said sum, to the school district of Eau Claire, which sum shall be payable annually, together with interest thereon at the rate of four *per centum per annum*, payable annually in advance; and the school district is hereby authorized to secure said loan, by issuing its bonds to said school land commissioners, and a mortgage upon the school property of said district, as provided by chapter 17, of the revised statutes; said loan shall be made only after having been authorized by the majority of the legal voters of said district, voting upon such question; said vote shall be taken at such time and place or places and in such manner as the board of education of said district may determine and said board of education is hereby authorized to provide the time, manner and place or places of voting upon said question. Said sum of money when borrowed by said district, shall be a special fund, to be used by it for the purpose of erecting, constructing and equipping a high school and manual training school building, under the direction of said board, that said fund, in the discretion of said board, may be deposited by it in the hands of the treasurer of said district, or a general disbursing officer or bank to be paid out on the order of the school board, duly issued, for the purpose aforesaid; that the said general disbursing officer, before receiving said deposit of said funds, is hereby required to give to said board, good and sufficient bond or security for accounting for and disbursing said fund, and all his acts in reference thereto shall be under the direction of said board, and no fee or *per centum* shall be paid to said officer or deducted from said fund by said officer, for receiving, handling or disbursing the same.

Chapter 17, R. S. 1878, made applicable to this loan.

SECTION 4. Chapter 17, of the revised statutes shall apply to the manner of making this loan where the same is not inconsistent with this act.

Amends chapter 184, laws of 1889.

SECTION 5. Section 7, of chapter 10, of the private and local laws of 1889, is hereby amended by striking out the words "next succeeding the date of such contract," where the same occur in the fourteenth and fifteenth lines of subdivision 5, of said section 7, and inserting in lieu thereof,

the words, "of the year following the time of making such contract," so that said subdivision five, when amended, shall read as follows: Fifth. To employ and contract with the superintendent and all teachers in the schools to whom the necessary certificates shall have been given by the superintendent, if a superintendent shall have been elected or employed by said board of education, but if no such superintendent shall have been employed by the said board of education, then the said board of education may employ and contract with teachers to whom the necessary certificates shall have been given by the county superintendent of Eau Claire county, and at their pleasure remove them; provided that no contract for the employment of any superintendent or teacher, shall extend beyond the first Monday of July of the year following the time of making such contract; to have in all respects the supervision and management of the schools in said city, and from time to time to make, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils from other districts and the transfer of pupils from one department to another, and for their good order and utility generally.

Contracts with teachers, etc., how made.

Amends chapter 184, laws of 1889.

SECTION 6. Section 8, of chapter 7, of chapter 184, of the laws of Wisconsin for the year 1889, is hereby amended by adding at the end thereof the following: "Provided that the Fourth and Seventh wards of said city shall comprise but one highway district, which shall be known as the Fourth highway district, of said city;" so that when so amended said section shall read as follows: Section 8. Each ward in the city of Eau Claire shall by itself constitute one highway district, and each of said districts respectively shall be known by its number, which number shall correspond with and to the same as the number of the ward comprising the same; provided, that the Fourth and Seventh wards of said city shall comprise but one highway district, which shall be known as the Fourth highway district of said city.

Highway districts, how constituted.

Repealing clause.

SECTION 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after it passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

T. J. CUNNINGHAM,
Secretary of State.

April 25, 1891.

CERTIFICATE.

STATE OF WISCONSIN. }
Department of State. } ss.

I, T. J. CUNNINGHAM, Secretary of State, of the state of Wisconsin, do hereby certify that the foregoing copies of city charters and their amendments have been compared by me with the original enrolled acts, deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of state, at the capitol, in the city of Madison, this 10th day of October, A. D. 1891.

[SEAL.]

T. J. CUNNINGHAM,
Secretary of State.

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